

Wednesday
March 26, 1980

Federal Register

Highlights

- 19543 Leather Wearing Apparel Imports** Presidential memorandum
- 19697 Confidentiality of Statistical and Research Data** Justice announces competitive research solicitation; apply by 4-28-80
- 19868 Fair Market Rents** HUD/FHC issues regulations regarding median gross rents charged for available standard units; effective 4-26-80, retroactive to 3-29-80 (Part VI of this issue)
- 19708 Gifts to Federal Employees** State submits listing of gifts to Federal employees from Foreign Governments in calendar year 1979
- 19546 Income Tax** Treasury/IRS issues regulation regarding percentage to be used by foreign life insurance companies in computing income tax for the taxable year 1979 and estimated tax for taxable year 1980; effective 3-15-80
- 19741, 19743 Treasury Notes** Treasury announces interest rate on Notes of Series Q-1982 and auction of Treasury bonds of 1995 (2 documents)
- 19590 Interest Rates** USDA/Sec'y issues notice of proposed policy change of interest rates awarded in reparation proceedings; comments by 5-1-80

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Highlights

- 20026 Certificate Reviews** HEW/PHS proposed to amend regulations governing certificate of need reviews by State health planning and development agencies and health systems agencies; comments by 5-27-80 (Part VII of this issue)
- 19557 Telecommunications Service** GSA issues temporary regulation clarifying information to provide GSA by agencies when reporting use of telephone listening-in and recording equipment; effective 3-26-80
- 19550 Foreign Government Information** Information Security Oversight Office requires that guidelines for systematic review of foreign government information be developed; effective 3-26-80
- 19563 Employment Authorization** Justice/INS proposes procedures and criteria for grant of employment authorization to aliens in the United States; representations by 5-27-80
- 19565 Natural Gas Policy Report** DOE/FERC issues regulations extending annual report filing date deadline until further notice
- 19677 Freight Rates** ICC gives notice of nationwide increase of ten percent; comments by 4-25-80
- 19578 Cable Television** FCC proposes adding frequency channeling requirements and restricts and requires monitoring for signal leakage; comments by 4-25-80
- 19583 Safety Convention** FCC requires mandatory carriage aboard ships of 1600 tons gross tonnage and over of radar equipment meeting minimum standards; comments by 4-25-80
- 19590 Scales and Weighing Machinery From Japan** Commerce/ITA gives notice that a countervailing duty investigation has resulted in a determination; effective 3-26-80

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- 19857 Part III, Interior/FWS
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Memorandum of March 24, 1980

The President

Determination Under Section 202(b) of the Trade Act; Leather Wearing Apparel

Memorandum for the United States Trade Representative

Pursuant to section 202(b)(1) of the Trade Act of 1974 (P.L. 93-618, 88 Stat. 1978), I have determined the action I will take with respect to the report of the United States International Trade Commission (USITC), transmitted to me on January 24, 1980, concerning the results of its investigation of a petition for import relief filed by the National Outerwear and Sportswear Association, the Amalgamated Clothing and Textile Worker's Union, the International Ladies' Garment Workers Union, the United Food and Commercial Workers Union, and the Tanners' Council of America, Inc., on behalf of the domestic industry producing leather wearing apparel, provided for in item 791.76 of the Tariff Schedules of the United States (TSUS).

After considering all relevant aspects of the case, including those considerations set forth in section 202(c) of the Trade Act of 1974, I have determined that expedited adjustment assistance is the most effective remedy for the injury suffered by the domestic leather wearing apparel industry, and that import relief is not in the national economic interest.

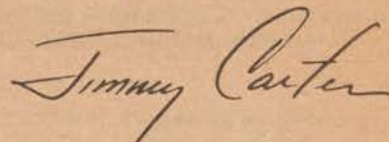
Expedited adjustment assistance is the only positive action that would aid the adjustment process of the industry without being inflationary or possibly causing a further erosion in consumer demand by further increasing prices. Firm adjustment assistance would facilitate the purchase of new equipment and the implementation of new marketing techniques that the industry has stated would be its primary adjustment actions if import relief were granted.

The imposition of import relief itself would have an inflationary impact and consumer cost that I consider unacceptable in light of the strong emphasis that this Administration places on its anti-inflation efforts.

Also, it is not clear that the industry would be in a position to compete once relief expires.

I have directed the Secretaries of Commerce and Labor to give expeditious consideration to any petitions for adjustment assistance filed by firms producing leather wearing apparel, by their workers, and by communities impacted by imports of such articles.

This determination is to be published in the **Federal Register**.



THE WHITE HOUSE,
Washington, March 24, 1980.

Rules and Regulations

Federal Register

Vol. 45, No. 60

Wednesday, March 26, 1980

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 204

Transfer of Service Office From Tokyo, Japan to Seoul, Korea, Establishment of Service Office in Bangkok, Thailand, and Resulting Changes in Responsibility for Approving Relative Petitions by Consular Officers at These Locations

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rulemaking order amends the regulations of the Immigration and Naturalization Service to reflect the transfer of the Service's Tokyo, Japan foreign office to Seoul, Korea, the opening of a new office at Bangkok, Thailand, and the resulting changes in authority for approving Form I-130 relative petitions by State Department consular officers in the related foreign States.

EFFECTIVE DATE: April 25, 1980.

FOR FURTHER INFORMATION CONTACT

For general information: Stanley J. Kierszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street NW., Washington, D.C. 20536. Telephone: (202) 633-3048.

For specific information: Bert C. Rizzo, Immigration Examiner, Immigration and Naturalization Service, 425 Eye Street NW., Washington, D.C. 20536. Telephone: (202) 633-3946.

SUPPLEMENTARY INFORMATION: This final rulemaking order amends 8 CFR 204.1(a) by deleting reference to Tokyo, Japan and adding Seoul, Korea and Bangkok, Thailand as new foreign offices of the Service. By agreement with the Department of State, American consular officers who issue visas are

also authorized to approve Form I-130 relative petitions when the Service does not have a foreign office in that country. The two foreign offices of the Service at Seoul and Bangkok have relieved the consular offices of this added responsibility at these locations. The large volume of petitions the consular offices were required to process necessitated this realignment. In the absence of a Service office in Tokyo, consular officers in Japan are now authorized to approve relative petitions when the petitioner and beneficiary are physically present in the consular district, and the Department of State proposes to amend its regulations to assign this responsibility to its consular officers in Japan.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is hereby amended.

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

1. In Part 204, § 204.1(a) the fourth sentence is amended by deleting "Japan" and adding "Korea" and "Thailand" and rearranging the named countries therein in alphabetical sequence. As amended the fourth sentence of § 204.1(a) reads as follows:

§ 204.1 Petition.

(a) *Relative.* * * * American Consular Officers assigned to visa issuing posts abroad, except those in Austria, Germany, Greece, Hong Kong, Italy, Korea, Mexico, the Philippines, and Thailand are also authorized to approve any petition on Form I-130 when the petitioner and beneficiary are physically present in the area over which the consular officers have jurisdiction.

* * * * *

(Sec. 103, 204, 8 U.S.C. 1103, 1154)

This amendment is published pursuant to 5 U.S.C. 552 as amended by Pub. L. 93-502 (88 Stat. 1561), and the authority contained in section 103 of the Immigration and Nationality Act (8 U.S.C. 1103), 28 CFR 0.105(b) and 8 CFR 2.1. Compliance with the provisions of 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment in this order relates to agency organization and procedure.

Effective date: This amendment becomes effective on April 25, 1980.

Dated: March 19, 1980.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 80-9183 Filed 3-25-80; 8:45 am]

BILLING CODE 4410-10-M

8 CFR Parts 212 and 235

Mexican Border Visitor's Permit; Redesignation of Form SW-434 as Form I-444

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule amends the regulations of the Immigration and Naturalization Service by redesignating the form number of the Mexican Border Visitor's Permit from Form SW-434 to Form I-444 wherever the former appears in the regulations. The change is necessary for administrative purposes to update the regulations.

EFFECTIVE DATE: March 25, 1980.

FOR FURTHER INFORMATION CONTACT:

Stanley J. Kierszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, DC 20536. Telephone: (202) 633-3048.

SUPPLEMENTARY INFORMATION: In order to include in the regulations reference to Form I-444 as the Mexican Border Visitor's Permit, the following amendments are hereby prescribed to Chapter I of Title 8 of the Code of Federal Regulations:

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

§ 212.6 [Amended]

1. § 212.6(a) is amended by changing "SW-434" to "I-444" in the fourth sentence.

PART 235—INSPECTION OF PERSONS APPLYING FOR ADMISSION

§ 235.1 [Amended]

2. § 235.1(f)(iii) is amended by changing "SW-434" to "I-444" in the last sentence.

3. § 235.1(f)(iv) is amended by changing "SW-434" to "I-444" in the second sentence.

4. § 235.1(g) is amended by changing "SW-434" to "I-444", wherever it appears in the title or text of the paragraph.

(Sec. 103, 8 U.S.C. 1103)

These amendments are published pursuant to section 552 of Title 5 of the United States Code (80 Stat. 383), as amended by Pub. L. 93-502 (88 Stat. 1561), and the authority contained in section 103 of the Immigration and Nationality Act (8 U.S.C. 1103), 28 CFR 0.105(b), and 8 CFR 2.1. Compliance with the provisions of section 553 of Title 5 of the United States Code as to notice of proposed rulemaking and delayed effective date is unnecessary in this instance because the amendments contained in this order are editorial in nature.

Effective date: These amendments become effective on March 25, 1980.

Dated: March 19, 1980.

David Crosland,
Acting Commissioner of Immigration and Naturalization.

[FR Doc. 80-9182 Filed 3-25-80; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 276

[Docket No. RM79-30]

Reports for Sales of Natural Gas Under Sections 105, 106(b) and 109 of the NGPA Order Extending Filing Date for 1979 Reports Until Further Notice

AGENCY: Federal Energy Regulatory Commission.

ACTION: Extension of due date for 1979 Part 276 annual reports.

SUMMARY: Section 276.102 through 276.106 of the Commission's Regulations provide that annual reports under the Natural Gas Policy Act of 1978 are to be filed by April 1st of each year. This order extends the April 1, 1980 filing deadline for the annual reports for calendar year 1979. The Commission believes that a review of the Part 276 regulations is necessary in order to reevaluate the regulatory need for reports on an annual basis and to address problems experienced in the past year associated with initial reports. **DATE:** The April 1, 1980 filing deadline is extended until further notice.

FOR FURTHER INFORMATION CONTACT: Scott E. Koves, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357-8317.

SUPPLEMENTARY INFORMATION:

Issued: March 14, 1980.

Sections 276.102, 276.103, 276.104, 276.105, and 276.106 provide that annual reports under Part 276 of the Commission's regulations are to be filed by April 1st of each year. The first such annual reports are due April 1, 1980.

The Commission believes that a review of the Part 276 regulations is necessary in order to reevaluate the regulatory need for reports on an annual basis and to address problems experienced in the past year associated with initial reports. We believe that a reduction in future reporting burdens may be possible without reducing the effectiveness of our compliance program.

Accordingly, we find that good cause exists to extend the upcoming April 1, 1980, filing deadline for Part 276 annual reports until further notice.

The Commission orders:

The April 1, 1980, filing deadline for part 276 annual reports is extended until further notice.

By the Commission.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-9075 Filed 3-25-80; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

Income Tax: Taxable Years Beginning After Dec. 31, 1953; Percentage To Be Used by Foreign Life Insurance Companies in Computing Income Tax for the Taxable Year 1979 and Estimated Tax for the Taxable Year 1980

AGENCY: Department of the Treasury.

ACTION: Proclamation.

SUMMARY: This proclamation announces the percentage to be used to compute the income tax liability of foreign corporations carrying on life insurance business in the United States.

EFFECTIVE DATE: March 15, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Hudson Milner, Office of Tax Analysis, U.S. Treasury Department, Washington, D.C. 20220, (202-566-2705), not a toll free call.

SUPPLEMENTARY INFORMATION: This proclamation, issued each year by the Secretary of the Treasury, announces the percentage to be used to compute the income tax liability of foreign corporations carrying on life insurance business in the United States.

Proclamation

For purposes of computing the 1979 income-tax of foreign corporations carrying on a life insurance business, a percentage of 13.9 shall be used in determining the "minimum figure" under section 819. The same percentage shall be used for purposes of computing the estimated tax and the installment payments of estimated tax for the taxable year 1980. No additions to tax shall be made because of any underpayment of estimated tax for the taxable year 1980 which results solely from the use of this percentage.

This proclamation is issued without notice and public procedure because the public cannot effectively participate in the determination of the percentage. It is computed from information contained in income tax returns that are not open to the public. The proclamation was not published prior to its effective date because the percentage is computed on the basis of data which was not then available.

Donald C. Lubick,
Assistant Secretary (Tax Policy).
March 12, 1980.

[FR Doc. 80-9099 Filed 3-25-80; 8:45 am]

BILLING CODE 4810-25-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 368

[DoD Directive 5100.1.]¹

Functions of the Department of Defense and Its Major Components

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule.

SUMMARY: This rule establishes policy, provides guidance and prescribes the functions of the Department of Defense and its Components under the authority of the National Security Act of 1947, which provides a comprehensive program for the security of the United States.

EFFECTIVE DATE: January 26, 1980.

¹ Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120. Attention: Code 301.

FOR FURTHER INFORMATION CONTACT:

Mr. H. Becker, Office of the Assistant Secretary of Defense (Comptroller), Organizational and Management Planning, The Pentagon, Washington, D.C. 20301, telephone: 202-695-4281.

Accordingly, 32 CFR Chapter I, is amended by the addition of Part 368, reading as follows:

PART 368—FUNCTIONS OF THE DEPARTMENT OF DEFENSE AND ITS MAJOR COMPONENTS

Sec.

368.1 Purpose.

368.2 Organizational relationships in the Department of Defense.

368.3 Functions of the Department of Defense.

368.4 Functions of the Joint Chiefs of Staff.

368.5 Functions of the military departments and the Military Services.

368.6 Functions of DoD Agencies.

Authority: 50 U.S.C. 401; 10 U.S.C. 125.

§ 368.1 Purpose.

(a) Under the authority of Title 50, U.S.C., Section 401, Section 2 of the National Security Act of 1947, as amended, Congress described the basic policy embodied in the Act as follows:

"In enacting this legislation, it is the intent of Congress to provide a comprehensive program for the future security of the United States; to provide for the establishment of integrated policies and procedures for the departments, agencies, and functions of the Government relating to the national security; to provide a Department of Defense, including the three military departments of the Army, the Navy (including naval aviation and the United States Marine Corps), and the Air Force under the direction, authority, and control of the Secretary of Defense; to provide that each military department shall be separately organized under its own Secretary and shall function under the direction, authority, and control of the Secretary of Defense; to provide for their unified direction under civilian control of the Secretary of Defense but not to merge these departments or services; to provide for the establishment of unified or specified combatant commands, and a clear and direct line of command to such commands; to eliminate unnecessary duplication in the Department of Defense, and particularly in the field of research and engineering by vesting its overall direction and control in the Secretary of Defense; to provide more effective, efficient, and economical administration in the Department of Defense; to provide for the unified strategic direction of the combatant forces, for their operation under unified command, and for their integration into an efficient team of land, naval, and air forces but not to establish a single Chief of Staff over the armed forces nor an overall armed forces general staff."

(b) To provide guidance in accordance with the policy declared by Congress, the Secretary of Defense, with the approval of the President, hereby

promulgates the following statement of the functions of the Department of Defense and its major components.

§ 368.2 Organizational relationships in the Department of Defense.

(a) All functions in the Department of Defense and its component agencies are performed under the direction, authority, and control of the Secretary of Defense.

(b) The Department of Defense includes the Office of the Secretary of Defense, the Military Departments and the Military Services within those Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and such other agencies as the Secretary of Defense establishes to meet specific requirements.

(1) In providing immediate staff assistance and advice to the Secretary of Defense the Office of the Secretary of Defense and the Organization of the Joint Chiefs of Staff, though separately identified and organized, function in full coordination and cooperation in accordance with DoD Directive 5158.1,¹ "Organization of the Joint Chiefs of Staff and Relationships With the Office of the Secretary of Defense," January 26, 1980.

(i) The Office of the Secretary of Defense includes the offices of the Under Secretaries of Defense; Assistant Secretaries of Defense; the General Counsel of the Department of Defense; the Assistants to the Secretary of Defense; and such other staff offices as the Secretary of Defense establishes to assist him in carrying out his duties and responsibilities. The functions of the heads of these offices shall be as assigned by the Secretary of Defense in accordance with existing laws.

(ii) The Joint Chiefs of Staff, as a group, are directly responsible to the Secretary of Defense for the functions assigned to them. Each member of the Joint Chiefs of Staff, other than the Chairman, is responsible for keeping the Secretary of his Military Department fully informed on matters considered or acted upon by the Joint Chiefs of Staff.

(2) Each Military Department (the Department of the Navy to include naval aviation and the United States Marine Corps) shall be separately organized under its own Secretary and shall function under the direction, authority, and control of the Secretary of Defense. The Secretary of a Military Department shall be responsible to the Secretary of Defense for the operation of such Department as well as its efficiency. Orders to the Military Departments shall be issued through the Secretaries of these Departments, or their designees,

by the Secretary of Defense or under authority specifically delegated in writing by the Secretary of Defense or provided by law.

(3) Commanders of Unified and Specified Commands are responsible to the President and the Secretary of Defense for the accomplishment of the military missions assigned to them. The chain of command runs from the President to the Secretary of Defense and through the Joint Chiefs of Staff to the commanders of Unified and Specified Commands. Orders to such commanders shall be issued by the President or the Secretary of Defense, or by the Joint Chiefs of Staff by the authority and direction of the Secretary of Defense. These commanders shall have full operational command over the forces assigned to them and shall perform such functions as are prescribed by the Unified Command Plan and other directives issued by competent authority.

(c) The functions assigned hereafter may be transferred, reassigned, abolished, or consolidated by the Secretary of Defense in accordance with the procedures established and the authorities provided in the National Security Act of 1947, as amended (10 U.S.C. 125).

§ 368.3 Functions of the Department of Defense.

As prescribed by higher authority, the Department of Defense shall maintain and employ armed forces to:

(a) Support and defend the Constitution of the United States against all enemies, foreign and domestic.

(b) Ensure, by timely and effective military action, the security of the United States, its possessions, and areas vital to its interest.

(c) Uphold and advance the national policies and interests of the United States.

(d) Safeguard the internal security of the United States.

§ 368.4 Functions of the Joint Chiefs of Staff.

The Joint Chiefs of Staff, consisting of the Chairman; the Chief of Staff, U.S. Army; the Chief of Naval Operations; the Chief of Staff, U.S. Air Force; and the Commandant of the Marine Corps, and supported by the Organization of the Joint Chiefs of Staff, constitute the immediate military staff of the Secretary of Defense. The Joint Chiefs of Staff are the principal military advisers to the President, the National Security Council, and the Secretary of Defense. In performance of their functions of advising and assisting the Secretary of Defense, and subject to the authority

¹ See footnote.

and direction of the President and the Secretary of Defense, it shall be the duty of the Joint Chiefs of Staff to:

(a) Serve as advisers and as military staff in the chain of operational command with respect to Unified and Specified Commands, to provide a channel of communications from the President and Secretary of Defense to Unified and Specified Commands, and to coordinate all communications in matters of joint interest addressed to the commanders of the Unified or Specified Commands by other authority.

(b) Prepare strategic plans and provide for the strategic direction of the armed forces, including the direction of operations conducted by commanders of Unified and Specified Commands and the discharge of any other function of command for such commands directed by the Secretary of Defense.

(c) Prepare joint logistic plans and assign logistic responsibilities to the Military Services and Defense Logistics Agency in accordance with those plans; ascertain the logistic support available to execute the general war and contingency plans of the commanders of the Unified and Specified Commands; review and recommend to the Secretary of Defense appropriate logistic guidance for the Military Services which, if implemented, shall result in logistic readiness consistent with the approved strategic plans.

(d) Prepare integrated plans for military mobilization.

(e) Provide adequate, timely, and reliable joint intelligence for use within the Department of Defense.

(f) Review major personnel, materiel, and logistic requirements of the armed forces in relation to strategic and logistic plans.

(g) Review the plans and programs of commanders of Unified and Specified Commands to determine their adequacy, feasibility, and suitability for the performance of assigned missions.

(h) Provide military guidance for use by the Military Departments, the armed forces, and the defense agencies in the preparation of their respective detailed plans.

(i) Participate, as directed, in the preparation of combined plans for military action in conjunction with the armed forces of other nations.

(j) Recommend to the Secretary of Defense the establishment and force structure of Unified and Specified Commands in strategic areas.

(k) Determine the headquarters support, such as facilities, personnel, and communications, required by commanders of Unified and Specified Commands, and recommend the assignment to the Military Departments

of the responsibilities for providing such support.

(l) Establish doctrines for unified operations and training, and for coordination of the military education of members of the armed forces.

(m) Recommend to the Secretary of Defense the assignment of primary responsibility for any function of the armed forces requiring such determination and the transfer, reassignment, abolition, or consolidation of such functions.

(n) Prepare and submit to the Secretary of Defense, for information and consideration in connection with the preparation of budgets, statements of military requirements based upon U.S. strategic considerations, current national security policy, and strategic war plans. These statements of requirements shall include tasks, priority of tasks, force requirements, and general strategic guidance for developing military installations and bases and for equipping and maintaining military forces.

(o) Advise and assist the Secretary of Defense in research and engineering matters by preparing: statements of broad strategic guidance to be used in the preparation of an integrated DoD program; statements of overall military requirements; statements of the relative military importance of development activities to meet the needs of the Unified and Specified commanders; and recommendations for the assignment of specific new weapons to the armed forces.

(p) Prepare and submit to the Secretary of Defense for information and consideration general strategic guidance for the development of industrial mobilization programs.

(q) Prepare and submit to the Secretary of Defense military guidance for use in the development of military aid programs and other actions relating to foreign military forces, including recommendations for allied military force, materiel, and facilities requirements related to U.S. strategic objectives, current national security policy, strategic war plans, and the implementation of approved programs; and make recommendations to the Secretary of Defense, as necessary, to keep the Military Assistance program in consonance with agreed strategic concepts.

(r) Provide U.S. representation on the Military Staff Committee of the United States Mission to the United Nations, in accordance with the provisions of the Charter of the United Nations, and representation on other properly authorized military staffs, boards, councils, and missions.

(s) Perform such other duties as the president or the Secretary of Defense may prescribe.

§ 368.5 Functions of the Military Departments and the Military Services.

(a) The chain of command for purposes other than the operational direction of Unified and Specified Commands runs from the President to the Secretary of Defense to the Secretaries of the Military Departments.

(b) The Military Departments, under their respective Secretaries and in accordance with § 368.2 and 4, shall:

(1) Prepare forces and establish reserves of equipment and supplies for the effective prosecution of war, and plan for the expansion of peacetime components to meet the needs of war.

(2) Maintain mobile reserve forces in readiness, properly organized, trained, and equipped for employment in an emergency.

(3) Provide adequate, timely, and reliable departmental intelligence for use within the Department of Defense.

(4) Organize, train, and equip forces for assignment to Unified or Specified Commands.

(5) Recommend appropriate logistic guidance to the Secretary of Defense for their respective Military Departments that, if implemented, will result in logistic readiness consistent with approved strategic guidance; and verify the continuing adequacy of approved logistic guidance and the resources available to their respective Military Departments.

(6) Prepare and submit budgets to the Secretary of Defense for their respective Departments; justify budget requests before the Congress as approved by the Secretary of Defense; and administer the funds made available for maintaining, equipping, and training the forces of their respective Departments, including those assigned to Unified and Specified Commands. The budget submissions to the Secretary of Defense by the Military Departments shall be prepared, among other considerations, on the basis of the advice of commanders of forces assigned to Unified and Specified Commands. Such advice, in the case of component commanders of Unified Commands, will be in agreement with the plans and programs of the respective Unified Commanders.

(7) Conduct research; develop tactics, techniques, and organization; and develop and procure weapons, equipment, and supplies essential to fulfill the functions hereafter assigned.

(8) Develop, garrison, supply, equip, and maintain bases and other installations, including lines of communication, and provide

administrative and logistic support for all forces and bases.

(9) Provide, as directed, such forces, military missions, and detachments for service in foreign countries as may be required to support the national interest of the United States.

(10) Assist in training and equipping the military forces of foreign nations.

(11) Assist each other in the accomplishment of their respective functions, including the provision of personnel, intelligence, training, facilities, equipment, supplies, and services.

(c) The forces developed and trained to perform the primary functions set forth hereafter shall be employed to support and supplement the other Military Services in carrying out their primary functions, where and whenever such participation shall result in increased effectiveness and shall contribute to the accomplishment of the overall military objectives. As for collateral functions, while the assignment of such functions may establish further justification for stated force requirements, such assignment shall not be used as the basis for establishing additional force requirements.

(1) *Functions of the Department of the Army.* (i) The Department of the Army is responsible for the preparation of land forces necessary for the effective prosecution of war except as otherwise assigned and, in accordance with integrated mobilization plans, for the expansion of the peacetime components of the Army to meet the needs of war.

(ii) The Army, within the Department of the Army, includes land combat and service forces and such aviation and water transport as may be organic therein.

(iii) The primary functions of the Army are to:

(A) Organize, train, and equip Army forces for the conduct of prompt and sustained combat operations on land; specifically, forces to defeat enemy land forces and to seize, occupy, and defend land area.

(B) Organize, train, and equip Army air defense units, including the provision of Army forces as required for the defense of the United States against air attack, in accordance with doctrines established by the Joint Chiefs of Staff.

(C) Organize, equip, and provide Army forces in coordination with the other Services, for joint amphibious and airborne operations, and to provide for the training of such forces, in accordance with doctrines established by the Joint Chiefs of Staff.

(1) Develop, in coordination with the other Services, doctrines, tactics,

techniques, and equipment of interest to the Army for amphibious operations not provided for in § 368.5(c)(2)(iii)(B)(3) and § 368.5(c)(2)(iii)(D).

(2) Develop, in coordination with the other Military Services, the doctrines, procedures, and equipment employed by Army and Marine Forces in airborne operations. The Army shall have primary interest in the development of those airborne doctrines, procedures, and equipment that are of common interest to the Army and the Marine Corps.

(D) Provide an organization capable of furnishing adequate, timely, and reliable intelligence for the Army.

(E) Provide forces for the occupations of territories abroad, to include the initial establishment of military government pending the transfer of this responsibility to other authority.

(F) Formulate doctrines and procedures for the organizing, equipping, training, and employment of forces operating on land, except that the formulation of doctrines and procedures for the organization, equipping, training, and employment of Marine Corps' units for amphibious operations shall be a function of the Department of the Navy, coordinating as required by § 368.5(c)(2)(iii)(B)(3).

(G) Conduct the following activities:

(1) Functions relating to the management and operation of the Panama Canal as assigned by the Secretary or Deputy Secretary of Defense.

(2) The authorized civil works program, including projects for improvement of navigation, flood control, beach erosion control, and other water resource developments in the United States, its territories, and its possessions.

(3) Certain other civil activities prescribed by law.

(d) The collateral functions of the Army are to train forces to interdict enemy sea and air power and communications through operations on or from land.

(2) *Functions of the Department of the Navy.* (i) The Department of the Navy is responsible for the preparation of Navy and Marine Corps forces necessary for the effective prosecution of war except as otherwise assigned and, in accordance with integrated mobilization plans, for the expansion of the peacetime components of the Navy and Marine Corps to meet the needs of war.

(ii) Within the Department of the Navy, the Navy includes naval combat and service forces and such aviation as may be organic therein, and the Marine Corps includes not less than three combat divisions and three air wings

and such other land combat, aviation, and other services as may be organic therein.

(iii) The primary functions of the Navy and the Marine Corps are to:

(A) Organize, train, and equip Navy and Marine Corps forces for the conduct of prompt and sustained combat operations at sea, including operations of sea-based aircraft and land-based naval air components, specifically, forces to seek out and destroy enemy naval forces and to suppress enemy sea commerce, to gain and maintain general naval supremacy, to control vital sea areas, to protect vital sea lines of communication, to establish and maintain local superiority (including air) in an area of naval operations, to seize and defend advanced naval bases, and to conduct such land and air operations as may be essential to the prosecution of a naval campaign.

(B) Maintain the Marine Corps, whose specific functions are to:

(1) Provide Fleet Marine forces of combined arms, together with supporting air components, for service with the Fleet in the seizure or defense of advanced naval bases and for the conduct of such land operations as may be essential to the prosecution of a naval campaign. These functions do not contemplate the creation of a second land Army.

(2) Provide detachments and organizations for service on armed vessels of the Navy, and security detachments for the protection of naval property at naval stations and bases.

(3) Develop, in coordination with the other Military Services, the doctrines, tactics, techniques, and equipment employed by landing forces in amphibious operations. The Marine Corps shall have primary interest in the development of those landing force doctrines, tactics, techniques, and equipment that are of common interest to the Army and the Marine Corps.

(4) Train and equip, as required, Marine Forces for airborne operations in coordination with the other Military Services and in accordance with doctrines established by the Joint Chiefs of Staff.

(5) Develop, in coordination with the other Military Services, doctrines, procedures, and equipment of interest to the Marine Corps for airborne operations not provided in § 368.5(c)(1)(iii)(C)(2).

(C) Organize and equip, in coordination with the other Military Services, and provide naval forces, including naval close air-support forces, for the conduct of joint amphibious operations, and be responsible for the amphibious training of all forces

assigned to joint amphibious operations, in accordance with doctrines established by the Joint Chiefs of Staff.

(D) Develop, in coordination with the other Military Services, the doctrines, procedures, and equipment of naval forces for amphibious operations, and the doctrines and procedures for joint amphibious operations.

(E) Furnish adequate, timely, and reliable intelligence for the Navy and Marine Corps.

(F) Organize, train, and equip naval forces for naval reconnaissance, antisubmarine warfare, and the protection of shipping and minelaying, including the air aspects thereof, and controlled minefield operations.

(G) Provide air support essential for naval operations.

(H) Provide sea-based air defense and the sea-based means for coordinating control for defense against air attack, coordinating with the other Military Services in matters of joint concern.

(I) Provide naval forces, including naval air forces, for the defense of the United States against air attack, in accordance with doctrines established by the Joint Chiefs of Staff.

(J) Furnish aerial photography, as necessary, for Navy and Marine Corps operations.

(iv) The collateral functions of the Navy and the Marine Corps are to train forces to:

(A) Interdict enemy land and air power and communications through operations at sea.

(B) Conduct close air and naval support for land operations.

(C) Furnish aerial photography for cartographic purposes.

(D) Participate in the overall air effort, when directed.

(E) Establish military government, as directed, pending transfer of this responsibility to other authority.

(3) *Functions of the Department of the Air Force.* (i) The Department of the Air Force is responsible for the preparation of the air forces necessary for the effective prosecution of war, except as otherwise assigned, and, in accordance with integrated mobilization plans, for the expansion of the peacetime components of the Air Force to meet the needs of war.

(ii) The Air Force, within the Department of the Air Force, includes aviation forces, both combat and service, not otherwise assigned.

(iii) The primary functions of the Air Force are to:

(A) Organize, train, and equip Air Force forces for the conduct of prompt and sustained combat operations in the air, specifically, forces to defend the United States against air attack in

accordance with doctrines established by the Joint Chiefs of Staff, to gain and maintain general air supremacy, to defeat enemy air forces, to control vital air areas, and to establish local air superiority, except as otherwise assigned herein.

(B) Develop doctrines and procedures, in coordination with the other Military Services, for the unified defense of the United States against air attack.

(C) Organize, train, and equip Air Force forces for strategic air warfare.

(D) Organize and equip Air Force forces for joint amphibious and airborne operations, in coordination with the other Military Services, and provide for their training in accordance with doctrines established by the Joint Chiefs of Staff.

(E) Furnish close combat and logistical air support to the Army, to include air lift, support, and resupply of airborne operations, aerial photography, tactical reconnaissance, and interdiction of enemy land power and communications.

(F) Provide air transport for the armed forces, except as otherwise assigned.

(G) Develop, in coordination with the other Military Services, doctrines, procedures, and equipment for air defense from land areas, including the continental United States.

(H) Formulate doctrines and procedures for the organizing, equipping, training, and employment of Air Force forces.

(I) Provide an organization capable of furnishing adequate, timely, and reliable intelligence for the Air Force.

(J) Furnish aerial photography for cartographic purposes.

(K) Develop, in coordination with the other Military Services, tactics, techniques, and equipment of interest to the Air Force for amphibious operations not provided in § 368.5(c)(2)(iii)(B)(3) and § 368.5(c)(2)(iii)(D).

(L) Develop, in coordination with the other Military Services, doctrines, procedures, and equipment employed by Air Force forces in airborne operations.

(iv) The collateral functions of the Air Force are to train forces to:

(A) Interdict enemy sea power through air operations.

(B) Conduct antisubmarine warfare and protect shipping.

(C) Conduct aerial minelaying operations.

§ 368.6 Functions of DoD Agencies.

(a) Defense Advanced Research Projects Agency (DARPA). See Part 358 of this title.

(b) Defense Audit Service (DAS). See DoD Directive 5105.48, 1 October 14, 1976.

(c) Defense Audiovisual Agency (DAVA). See Part 205 of this title.

(d) Defense Communications Agency (DCA). See Part 362 of this title.

(e) Defense Contract Audit Agency (DCAA). See Part 357 of this title.

(f) Defense Intelligence Agency (DIA). See Part 354 of this title.

(g) Defense Investigative Service (DIS). See Part 361 of this title.

(h) Defense Logistics Agency (DLA). See Part 359 of this title.

(i) Defense Mapping Agency (DMA). See Part 360 of this title.

(j) Defense Nuclear Agency (DNA). See DoD Directive 5105.31, 1 November 3, 1971.

(k) Defense Security Assistance Agency (DSAA). See Part 363 of this title.

(l) The National Security Agency and the Central Security Service. See DoD Directive S-5100.20, December 23, 1971.

Dated: March 21, 1980.

O. J. Williford,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

[FR Doc. 80-9161 Filed 3-25-80; 8:45 am]

BILLING CODE 3810-70-M

INFORMATION SECURITY OVERSIGHT OFFICE

32 CFR Part 2002

Guidelines for Systematic Review of Foreign Government Information 30 Years Old or Older

AGENCY: Information Security Oversight Office.

ACTION: Final rule.

SUMMARY: Executive Order 12065 (43 FR 28949, July 3, 1978) Section 3-404 and Information Security Oversight Office Directive No. 1 (43 FR 46280, October 5, 1978) require that guidelines for systematic review of foreign government information be developed. The purpose of this rule is to achieve consistency in the declassification of foreign government information by promulgating a single guideline rather than having each agency with original classification authority publish its own version.

EFFECTIVE DATE: March 26, 1980.

FOR FURTHER INFORMATION CONTACT: Robert W. Wells, Acting Director, ISOO, at (202) 633-6880.

SUPPLEMENTARY INFORMATION: These guidelines have been coordinated with all agencies having original classification authority and were proposed at 44 FR 71842, December 12, 1979. A minimal number of comments

¹ Footnote precedes.

were received from the public and executive branch agencies. These comments were given full consideration during the finalization of the guidelines. Most changes recommended were minor in nature and the final rule is substantially the same as the proposed rule.

Robert W. Wells,
Acting Director, Information Security
Oversight Office.
March 24, 1980.

PART 2002—GUIDELINES FOR SYSTEMATIC REVIEW OF FOREIGN GOVERNMENT INFORMATION 30 YEARS OLD OR OLDER

- Sec.
2002.1 Purpose.
2002.2 Definitions.
2002.3 Scope.
2002.4 Agency responsibilities.
2002.5 Effect of publication.
2002.6 Categories requiring item-by-item review.
2002.7 Referral and decision.
2002.8 Downgrading.

Authority: Sec. 3-404, E.O. 12065, 43 FR 28949, July 3, 1978.

§ 2002.1 Purpose.

These Guidelines for the systematic review and declassification of foreign government information have been developed in accordance with the provisions of Section 3-404 of Executive Orders 12065, "National Security Information," and § 2001.32 of Information Security Oversight Office Directive No. 1. All foreign government information constituting permanently valuable records of the United States Government, for which a prior declassification date has not been established, shall be systematically reviewed for declassification as it becomes thirty years old. Foreign government information found to be within one of the specific categories of information listed in § 2002.6 shall be reviewed item-by-item by authorized personnel of the agency or agencies concerned to determine whether continued protection beyond thirty years is needed. All foreign government information not identified in these Guidelines as requiring item-by-item review and for which a prior declassification date has not been established shall be declassified at the end of thirty years from the date of original classification.

§ 2002.2 Definitions.

"Foreign government information" as used in these Guidelines consists of:

- (a) Documents or material provided by a foreign government or governments international organization of

governments, or any element thereof in the expectation, expressed or implied, that the document, material, or the information contained therein is to be held in confidence;

(b) Documents originated by the United States that contain classified information provided, in any manner, to the United States by foreign governments, international organizations of governments, or elements thereof, with the expectation, express or implied, that the information will be held in confidence;

(c) Classified information or material produced by the United States pursuant to or as a result of a joint arrangement, evidenced by an exchange of letters, memorandum of understanding, or other written record, with a foreign government or organization of governments requiring that the information, the arrangement, or both be kept in confidence.

§ 2002.3 Scope.

(a) These Guidelines apply to 30-year old foreign government information which has been received or classified by the United States Government or its agents.

(b) Atomic energy information (including that originated prior to 1947 and not marked as such, that received from the United Kingdom or Canada marked "Atomic," and that received from NATO marked "Atomal") which is defined and identified as Restricted Data or Formerly Restricted Data in Sections 11y and 142d of the Atomic Energy Act of 1954, as amended, is outside the scope of these Guidelines and is not subject to systematic review and may not be automatically downgraded or declassified. Any document containing information within the definition of Restricted Data or Formerly Restricted Data that is not so marked will be referred to the Department of Energy Office of Classification for review and appropriate marking, except for licensing and related regulatory matters which shall be referred to the Division of security, U.S. Nuclear Regulatory Commission.

§ 2002.4 Agency responsibilities.

(a) Foreign government information transferred to the General Services Administration for accession into the National Archives of the United States shall be reviewed for declassification by the Archivist of the United States in accordance with Executive Order 12065, the directives of the Information Security Oversight Office, these Guidelines, any applicable terms of accession, and any supplemental guidelines provided by the agency with

classification jurisdiction over the information.

(b) Foreign government information constituting permanently valuable records of the government (as defined in 44 U.S.C. 2103) that is 30 years old and undergoing systematic review for declassification while in the custody of an agency shall, except as provided in § 2002.3 be reviewed for declassification and downgrading by that agency in accordance with Executive Order 12065, the directives of the Information Security Oversight Office, these Guidelines, and any supplemental internal agency guidelines.

(c) Foreign government information falling within any of the categories listed in § 2002.6 of these Guidelines shall be declassified or downgraded only upon specific authorization of the agencies to which the information was furnished by the foreign government or international organization of governments concerned and/or which have classification jurisdiction over it. When such information is in the custody of an agency but was furnished to or classified by, or is otherwise under the classification jurisdiction of another agency or agencies the information shall be referred thereto for review. Information so referred shall remain classified until all reviewing agencies have authorized its declassification. If the custodial agency cannot readily identify the agency or agencies having classification jurisdiction, the information shall be referred in accordance with § 2002.7 of these Guidelines for review or further referral.

(d) Consultations with foreign governments concerning the proposed declassification of foreign government information shall be the responsibility of the agency having classification jurisdiction over the information affected.

(e) Foreign government information falling within any of the categories listed in § 2002.6 of these Guidelines appearing in White House documents, which is either identifiable as having been furnished or appears to have been furnished by a foreign government shall be reviewed by designated White House personnel and further referred for review to any other agencies whose classification interest is indicated by the nature or content of the documents.

§ 2002.5 Effect of publication.

(a) Foreign government information shall be considered declassified when published in an unclassified United States Government executive branch publication (e.g., the Foreign Relations of the United States series) or when cleared for such publication by United

States Government executive branch officials authorized to declassify the information; or if officially published as unclassified by the foreign government(s) or international organization(s) of governments that furnished the information unless the fact of the U.S. Government's possession of the information requires continued protection.

(b) The unofficial publication, in the United States or abroad, of foreign government information contained in United States or foreign documents, or of substantially similar information, does not in or of itself constitute or permit the declassification of such documents. Although prior unofficial publication is a factor to be considered in the systematic review process and may affect determinations as to continuation of classification, there may be valid reasons for continued protection of the information which could preclude its declassification. In particular, the classification status of foreign government information which concerns or derives from intelligence activities, sources or methods shall not be affected by any unofficial publication of identical or similar information. The final determination as to the declassification of foreign government information similar to or identical with unofficially published information shall be made by the agency or agencies having classification jurisdiction over it.

§ 2002.6 Categories requiring item-by-item review.

Foreign government information falling into the specific categories listed below shall be reviewed for declassification in accordance with § 2002.1.

(a) Information exempted from declassification under any joint arrangement evidenced by an exchange of letters, memorandum of understanding, or other written record, with the foreign government or international organization of governments, or element(s) thereof, that furnished the information. Questions concerning the existence or applicability of such arrangements shall be referred to the agency or agencies holding classification jurisdiction over the records under review.

(b) Information related to the safeguarding of nuclear materials or facilities, foreign and domestic, including but not necessarily limited to vulnerabilities and vulnerability assessments of nuclear facilities and Special Nuclear Material.

(c) Nuclear arms control information (see also paragraph (k) of this section).

(d) Information regarding foreign nuclear programs (other than Restricted Data and Formerly Restricted Data), such as:

- (1) Nuclear weapons testing.
- (2) Nuclear weapons storage and stockpile.
- (3) Nuclear weapons effects, hardness, and vulnerability.
- (4) Nuclear weapons safety.
- (5) Cooperation in nuclear programs including, but not limited to, peaceful and military applications of nuclear energy.
- (6) Exploration, production and import of uranium and thorium from foreign countries.

(e) Information concerning intelligence or counterintelligence sources, methods or activities including but not limited to intelligence, counterintelligence and covert action programs, plans, policies, operations, or assessments; or which would reveal or identify:

- (1) Any present, past or prospective undercover personnel, installation, unit, or clandestine human agent, of the United States or a foreign government;
- (2) Any present, past or prospective method, procedure, mode, technique or requirement used or being developed by the United States or by foreign governments, individually or in combination, to produce, acquire, transmit, analyze, correlate, assess, evaluate or process intelligence or counterintelligence, or to support an intelligence or counterintelligence source, operation, or activity;
- (3) The present, past or proposed existence of any joint United States and foreign government intelligence, counterintelligence, or covert action activity or facility, or the nature thereof.
- (f) Information that could result in or lead to actions which would place an individual in jeopardy attributable to disclosure of the information, including but not limited to:

- (1) Information identifying any individual or organization as a confidential source of intelligence or counterintelligence.
- (2) Information revealing the identity of an intelligence, counterintelligence or covert action agent or agents.
- (g) Information about foreign individuals, organizations or events which, if disclosed, could be expected to:

- (1) Adversely affect a foreign country's or international organization's present or future relations with the United States.
- (2) Adversely affect present or future confidential exchanges between the United States and any foreign

government or international organization of governments.

(h) Information related to plans (whether executed or not, whether presented in whole or in part), programs, operations, negotiations, and assessments shared by one or several foreign governments with the United States, including but not limited to those involving the territory, political regime or government of another country, and which if disclosed could be expected to adversely affect the conduct of U.S. foreign policy or the conduct of another country's foreign policy with respect to a third country or countries. This item would include contingency plans, plans for covert political, military or paramilitary activities or operations by a foreign government acting alone or jointly with the United States Government, and positions or actions taken by a foreign government alone or jointly with the United States concerning border disputes or other territorial issues.

(i) Information concerning arrangements with respect to foreign basing of cryptologic operations and/or foreign policy considerations relating thereto.

(j) Scientific information such as that concerning space, energy, climatology, communications, maritime, undersea, and polar projects, that could be expected to adversely affect current and/or future exchanges of such information between the United States and any foreign governments or international organizations of governments.

(k) Information on foreign policy aspects of nuclear matters, the disclosure of which could be expected to adversely affect cooperation between one or more foreign governments and the United States Government.

(l) Nuclear propulsion information.

(m) Information concerning the establishment, operation, and support of nuclear detection systems.

(n) Information concerning or revealing military or paramilitary escape, evasion, cover or deception plans, procedures, and techniques whether executed or not.

(o) Information which could adversely affect the current or future usefulness of military defense policies, programs, weapon systems, operations, or plans.

(p) Information concerning research, development, testing and evaluation of chemical and biological weapons and defense systems; specific identification of chemical and biological agents and munitions; and chemical and biological warfare plans.

(q) Technical information concerning weapons systems and military

equipment that reveals the capabilities, limitations, or vulnerabilities of such systems or equipment and that could be exploited to destroy, counter, render ineffective or neutralize such weapons or equipment.

(r) Cryptologic information, including cryptologic sources and methods, currently in use. This includes information concerning or revealing the processes, techniques, operations, and scope of signal intelligence comprising communications intelligence, electronics intelligence, and telemetry intelligence, the cryptosecurity and emission security components of communications security, and the communications portion of cover and deception plans.

(s) Information concerning electronic warfare (electronic warfare support measures, electronic counter-countermeasures) or related activities, including but not necessarily limited to:

(1) Nomenclature, functions, technical characteristics or descriptions of communications and electronic equipment, its employment/development, and its association with weapon systems or military operations.

(2) The processes, techniques, operations or scope of activities involved in the acquisition, analysis and evaluation of such information, and the degree of success achieved by the above processes, techniques, operations or activities.

(t) Present, past or proposed protective intelligence information relating to the sources, plans, techniques, equipment and methods in carrying out assigned duties of protecting United States Government officials or other protectees abroad and foreign officials while in the United States or United States possessions. This includes information concerning the identification of witnesses, informants and persons suspected of being dangerous to persons under protection.

(u) Information on deposits of foreign official institutions in United States banks and on foreign official institutions' holdings, purchases and sales of long-term marketable securities in the United States.

(v) Information concerning economic and policy studies and sensitive assessments or analyses of economic conditions, policies or activities of foreign countries or international organizations of governments received through the Multilateral Development Banks and Funds or through the International Monetary Fund (IMF) and the Organization for Economic Cooperation and Development (OECD).

(w) Information described in § 2002.6 (a) through (v) contained in

correspondence, transcripts, memoranda of conversation, or minutes of meetings between the President of the United States or the Vice President of the United States and foreign government officials.

(x) Information described in § 2002.6 (a) through (v) contained in documents originated by or sent to the Assistant to the President for National Security Affairs, his Deputy, members of the National Security Council staff, or any other person on the White House or the Executive Office of the President staffs performing national security functions.

(y) Federal agency originated documents bearing Presidential, National Security Council, or White House or Executive Office of the President staffs comments relating to categories of information described in § 2002.6 (a) through (v).

(z) Information as described in § 2002.6 (a) through (v) contained in correspondence to or from the President or the Vice President, including background briefing memoranda and talking points for meetings between the President or the Vice President and foreign government officials, and discussions of the timing and purposes of such meetings.

(aa) Information as described in § 2002.6 (a) through (v) contained in agency message traffic originated by White House or Executive Office of the President staffs members but sent through agency communication networks.

§ 2002.7 Referral and decision.

(a) When the identity of agencies having classification jurisdiction over foreign government information is not apparent to the agency holding the information, or when reviewing officials do not possess the requisite expertise, classification jurisdiction for systematic review shall be transferred as follows:

(1) Categories § 2002.6 (b) through (d), Department of Energy or Nuclear Regulatory Commission (as appropriate).

(2) Categories § 2002.6 (e) and (f), Central Intelligence Agency.

(3) Categories § 2002.6 (g) through (k), Department of State.

(4) Categories § 2002.6 (l) through (s), Department of Defense.

(5) Categories § 2002.6 (t) and (v), Department of the Treasury.

(6) Categories § 2002.6 (w) through (aa), National Security Council.

(b) Agencies shall declassify information when it is determined after any necessary consultation with other United States agencies and, as appropriate, with foreign governments and international organization of

governments that the information no longer requires classification protection. If it is determined that classification must be extended beyond 30 years, the provisions of § 2001.32 of Information Security Oversight Office Directive No. 1 apply.

§ 2002.8 Downgrading.

Foreign government information classified Top Secret may be downgraded to Secret after 30 years unless an agency with classification jurisdiction over it determines on its own authority, or after consultation, as appropriate, with the foreign government or international organization of governments which furnished the information, that it requires continued protection at the Top Secret level.

[FR Doc. 80-9187 Filed 3-25-80; 8:45 am]

BILLING CODE 6820-27-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[FRL 1446-2]

Air Quality Control Regions, Criteria and Control Techniques; Section 107—Attainment Status Designations—Pennsylvania

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces final designation of air quality status in three Pennsylvania regions. The Harrisburg Air Basin is designated nonattainment for the secondary total suspended particulate (TSP) ambient air quality standard, and the Cities of Sharon and Farrell are designated nonattainment for the primary TSP standard. The Sharon and Farrell designations affect only two persons that challenged earlier designation.

EFFECTIVE DATE: For the Harrisburg air basin March 26, 1980; for the city of Sharon and the city of Farrell on or before April 25, 1980.

ADDRESSES: Copies of the written and oral public hearing testimony are available for public inspection during normal business hours at the following locations:

Air, Toxics and Hazardous Materials Division, U.S. Environmental Protection Agency, Region III, Curtis Building, 10th floor, 6th & Walnut Streets, Philadelphia, PA 19106;
Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental

Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Harold A. Frankford (3AH12), Air Programs Branch, Air, Toxics & Hazardous Materials Division, U.S. Environmental Protection Agency, Region III, 6th & Walnut Streets, 10th Floor, Curtis Building, Philadelphia, PA 19106 (215) 597-8392.

SUPPLEMENTARY INFORMATION:

I. Background

The 1977 Amendments to the Clean Air Act added Section 107(d) which directed each State, within 120 days after the Amendments were enacted, to submit to the Administrator a list describing the National Ambient Air Quality Standards attainment status for all areas within the State. The Administrator was then required to promulgate the State lists, with any necessary modifications, as a final rule within sixty days of their submittal.

On December 5, 1977, the Commonwealth of Pennsylvania submitted to EPA a list of air quality attainment designations. For total suspended particulate (TSP), the designations were based on either modeling data or monitoring data. In its designations, the Commonwealth of Pennsylvania designated the Allentown-Bethlehem-Easton Air Basin, the Harrisburg Air Basin, the City of Sharon and City of Farrell as nonattainment areas for primary TSP standards.

On March 3, 1978, 44 FR 8962, the Administrator published Pennsylvania's designations as final agency action effective immediately, and solicited comments in the 60-day period following publication.

On May 1, 1978, the Bethlehem Steel Corporation and the Sharon Steel Corporation filed petitions for review in the United States Court of Appeals for the Third Circuit challenging the Administrator's March 3, 1978 designations of the Allentown-Bethlehem-Easton Air Basin, the Harrisburg Air Basin, the City of Farrell, and the City of Sharon as nonattainment areas. The Third Circuit decided April 25, 1979 that the Administrator lacked good cause to dispense with the Administrative Procedure Act's requirements of prior notice and an opportunity to comment and the Court remanded the matter to the Administrator with its instructions " * * * that the Administrator shall forbear from applying to Sharon and Bethlehem any of the requirements or sanctions imposed on nonattainment areas by the 1977 amendments to the Clean Air Act until the Administrator

shall have conducted a limited legislative hearing in which he gives these two companies the required statutory notice and opportunity for participation and comments as provided by the EPA, 5 U.S.C. 553 (1976)." *Sharon Steel Corp. v. EPA*, 597 F.2d 377 381-82 (1979). The Commonwealth of Pennsylvania subsequently asked EPA to redesignate the Harrisburg Air Basin nonattainment for secondary, rather than primary, TSP standards. 44 FR 38585 (1979).

II. Public Hearings

On May 25, 1979, EPA published a notice, 44 FR 30338, of public hearings which were held on June 25, 1979 and June 28, 1979, in Philadelphia and Pittsburgh, respectively, for the purpose of allowing the Bethlehem Steel Corporation, Sharon Steel Corporation and other interested persons the opportunity to comment on EPA's nonattainment designations for these areas. The Administrator provided for a ten-day period following each public hearing during which written comments could be submitted.

III. Evaluation of Written and Oral Testimony

A. Harrisburg Air Basin

Although the Harrisburg Air Basin is currently designated as a nonattainment area for primary TSP standards, the State requested, and EPA proposed, that this air basin be redesignated as nonattainment for the secondary TSP standard, 44 FR 38585 (1979). In the May 25, 1979 notice of public hearing, EPA announced that any comments submitted for the record of the June 25, 1979 public hearing would be considered in taking final action on this proposed redesignation.

At the public hearing, Bethlehem Steel presented testimony stating that only one monitor (Middletown) located according to the SAMWG requirements (40 CFR Part 58) showed nonattainment, yet several monitors located between the Bethlehem Steel Plant and Middletown showed attainment of the TSP standards. Therefore, Bethlehem Steel contended that only Middletown Borough, rather than the entire air basin, should be considered as a nonattainment area for the secondary TSP standard. Bethlehem Steel further contended that the Middletown monitor may not be valid because it is too close to the roadway.

The Pennsylvania DER submitted testimony in favor of designating the entire Harrisburg Air Basin as a nonattainment area for the secondary TSP standard. The Commonwealth

contended that modeling studies predicted violations of the secondary TSP standard throughout the air basin. The State also argued that the measured violations are caused by a multitude of sources rather than specific point sources. Further, the State considers the Middletown modeling site to be valid.

Upon the review of comments received at the public hearing and during the public comment period, and upon the record of its earlier determinations, EPA has determined that the State modeling study is valid in its assumptions, and that the location of the Middletown monitor is an acceptable site. Therefore, the Administrator is today designating the Harrisburg Air Basin as a nonattainment area for the secondary TSP standard. The Administrator finds good cause to make this designation immediately effective in order to lift the growth restrictions that would be applicable in nonattainment areas without approved state implementation plans. The state has revised its implementation plan to achieve the secondary TSP standard, but not the primary TSP standard. Consequently, this redesignation from nonattainment of the primary TSP standard to the secondary TSP standard needs to have immediate effect.

B. City of Sharon/City of Farrell

At the June 28, 1979 public hearing held in Pittsburgh, the Sharon Steel Corporation presented testimony contending that the Cities of Sharon and Farrell, both of which are currently designated as primary nonattainment areas for TSP, should be redesignated as "unclassified" for the following reasons:

1. Localized construction activity took place near the Sharon monitor during 1976, the year for which Pennsylvania submitted air quality data which showed violations of primary TSP standards.

2. In 1977, the street adjacent to the building on which the monitor is located was resurfaced. Sharon Steel argued that fugitive dust from the above mentioned activities caused the violations recorded at the Sharon monitor site.

3. In 1978, traffic was rerouted to streets adjacent to the building on which the TSP monitor is located because of highway construction.

4. Air quality data from the Farrell monitor should be discounted because the monitor was not located in accordance with the requirements of 40 CFR Part 58. Sharon Steel further contended that the air quality data should be considered invalid because of poor quality assurance procedures.

5. Of the particulates concentration measured by the high-volume sampler, the measured contributions from "settleable particulates" is 30 ug/m³. Therefore, the TSP level is only 45 ug/m³.

6. EPA has accepted other redesignations because of improperly located or improperly operated monitors.

7. There are apparent discrepancies between recorded air quality data and the predicted air quality levels from Pennsylvania's modeling study.

The Shenango Valley Chamber of Commerce presented testimony in favor of redesignating the City of Sharon and the City of Farrell as "unclassified" because of the poor location of the Farrell monitor and the probable impact of the construction activities on the Sharon monitor.

The Pennsylvania Department of Environmental Resources presented testimony supporting the current nonattainment designation. While the State recognized that air quality data from the Farrell monitor may be invalid, the air quality data from the Sharon monitor is valid. The air quality data from the Sharon monitor show violations of the primary TSP standards. In addition, modeling studies performed by DER predict violations of primary TSP standards in both Sharon and Farrell.

Upon the close of the public comment period, EPA reviewed both oral and written testimony and has determined that the modeling submitted by the State is valid in its assumptions. EPA also reviewed the monitoring sites in Sharon and in Farrell. The Sharon monitor is a rooftop monitor located approximately 18 meters (60 feet) above the ground, and therefore would not be influenced by vehicle-related TSP emissions. Therefore, EPA today approves the designation of the City of Sharon a primary nonattainment area with respect to TSP, as it affects the petitioners in *Sharon Steel Corp. v. EPA*. The designation as to all other persons is not affected by this action.

The Farrell monitor does not meet the siting requirements of 40 CFR Part 58 and should be relocated. However, in view of the fact that the modeling study is judged to be valid, and in view of the fact that Section 107 designation may be based on either modeling or monitoring data, EPA today approves the designation of the City of Farrell a primary nonattainment area with respect to TSP so far as this designation affects Sharon Steel and Bethlehem Steel. The designation changes for both Sharon and Farrell will take effect 30 days from the date of publication of this

notice. The existing designation of nonattainment of primary TSP standards as to all other persons is not affected by this action.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and, therefore, subject to the procedural requirements of the Order, or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." I have reviewed this regulation and determined that it is a

specialized regulation not subject to the procedural requirements of Executive Order 12044.

(Sec. 107, 301, Clean Air Act as amended (42 U.S.C. 7407, 7601))

Dated: March 20, 1980.

Douglas M. Costle,
Administrator.

Part 81 of Chapter I, Title 40 of the Code of Federal Regulations is amended to read as follows. Section 81.339 is revised to read as follows:

Subpart C—Section 107 Attainment Status Designations

§ 81.339 Pennsylvania.

Pennsylvania—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
I. Metropolitan Philadelphia Interstate AQCR				
(A) City of Philadelphia				
Census tracts: 1-12, 125-142, 144-157, 162-177, 190-205, 293, 294, 298-302, 315-321, 323, 325, 326, 329-332.		X		
Census tracts: 13-75, 143, 158-161, 178-189, 295-297, 322, 324, 327.			X	
Balance of City				X
(B) Montgomery County		X		
Conshohocken Boro			X	
West Conshohocken Boro			X	
Lower Merion Boro			X	
Narberth Boro			X	
Upper Merion Twp			X	
Bridgeport Boro			X	
Norristown Boro			X	
Plymouth Twp			X	
Whitemarsh Twp			X	
Lansdale Boro				X
Montgomery Twp			X	
Upper Gwynedd Twp			X	
North Wales Boro			X	
Towamencin Twp			X	
Hatfield Twp			X	
Hatfield Boro			X	
Pottstown Boro		X		
West Pottsgrove Twp			X	
Upper Pottsgrove Twp			X	
Lower Pottsgrove Twp			X	
Upper Providence Twp			X	
(C) Chester County		X		
South Coatesville Boro			X	
City of Coatesville			X	
Cain Twp			X	
East Fallowfield Twp			X	
Modena Boro			X	
Valley Twp			X	
North Coventry Twp			X	
East Coventry Twp			X	
Phoenixville Boro		X		
Schuylkill Twp			X	
(D) Remaining Pennsylvania Portion of AQCR				X
II. Northeast Pennsylvania Interstate AQCR				
(A) Allentown, Bethlehem, Easton Air Basin	X			
(B) Reading Air Basin		X		
(C) Scranton, Wilkes-Barre Air Basin		X		
(D) Remaining Pennsylvania Portion of AQCR				X
III. South Central Pennsylvania Intrastate AQCR				
(A) Lancaster Air Basin	X			
(B) Harrisburg Air Basin		X		
(C) York Air Basin	X			
(D) Remainder of AQCR				X
IV. Central Pennsylvania Intrastate AQCR				
(A) Johnstown Air Basin	X			
(B) Lycoming County		X		
City of Williamsport			X	
South Williamsport Boro			X	
Dubois Boro			X	
Armstrong Twp			X	
Susquehanna Twp			X	
Woodward Twp			X	
Old Lycoming Twp			X	
Loyalsock Twp			X	
Montoursville Boro			X	

Pennsylvania—TSP—Continued

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
(C) Blair County				
City of Altoona		X		
Logan Twp			X	
Allegheny Twp			X	
(D) Remainder of AQCR				X
V. Southwest Pennsylvania Intrastate AQCR				
(A) Monongahela Valley Air Basin	X			
(B) Allegheny County Air Basin	X			
(C) Beaver Valley Air Basin	X			
(D) Remainder of AQCR				X
VI. Northwest Pennsylvania Interstate AQCR				
(A) Erie Air Basin	X			
(B) Mercer County				
City of Sharon	X			
City of Farrell	X			
Hickory Twp			X	
Sharpsville Boro			X	
Wheatland Boro			X	
(C) Beaver Valley Air Basin	X			
(D) Remaining Pennsylvania Portion of AQCR				X

[FR Doc. 80-9132 Filed 3-25-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 403

[FRL 1446-7]

General Pretreatment Regulation; Extension of Deadlines for Electroplaters Discharging to Publicly Owned Treatment Works and Sampling Guidance

AGENCY: Environmental Protection Agency.

ACTION: Extension of Deadlines for Electroplaters.

SUMMARY: Pretreatment standards for the Electroplating Point Source Category (40 CFR Part 413) were published in the Federal Register on September 7, 1979 (44 FR 52590) and became effective on October 9, 1979. The promulgation of these standards triggered certain requirements and activities for electroplaters under the General Pretreatment Regulations (40 CFR Part 403). The United States Environmental Protection Agency is today extending the deadlines for completion of activities and requirements under the General Pretreatment Regulations which were triggered by the promulgation of the electroplating standards. The periods allowed to make categorical determination requests (§ 403.6), fundamentally different factors variance requests (§ 403.13), and for submission of the baseline monitoring report (§ 403.12) will now commence 14 days after the effective date of this notice. In addition, this notice serves to extend the deadline for seeking a Net/Gross credit

as provided for in the Electroplating Standard (44 FR 52619). The period during which this credit may be requested will commence 14 days after the effective date of this notice. This notice does not extend the final compliance date of October 12, 1982. Additionally, this notice provides guidance on the sampling required for preparation of the baseline monitoring report by industrial users subject to the Electroplating Categorical Pretreatment Standard.

EFFECTIVE DATE: March 26, 1980.

FOR FURTHER INFORMATION CONTACT: William R. Diamond, Office of Water Enforcement (EN-336), Environmental Protection Agency, 401 "M" Street, S.W., Washington, DC 20460 (202) 755-0750.

SUPPLEMENTARY INFORMATION: Time frames for the completion of certain requirements and activities by industries under the General Pretreatment Regulations are triggered by the promulgation of categorical pretreatment standards for those industries. Industrial users who wish to request a written certification of their applicable subcategory must do so within 30 days after the effective date of a pretreatment standard under which they believe themselves to be included (40 CFR 403.6(a)(1)). Industrial users desiring a variance from a categorical pretreatment standard for fundamentally different factors must submit the request within 90 days after promulgation of the standard (40 CFR 403.13(e)). Existing industrial users subject to a categorical pretreatment

standard are required to submit a baseline monitoring report within 180 days after promulgation of the standard (40 CFR 403.12 (b)).

The categorical pretreatment standard for electroplaters discharging into POTWs became effective October 9, 1979. This standard includes a provision allowing electroplaters to request credit for regulated pollutants present in intake waters (44 FR 52619). The provision requires that any industrial user wishing to obtain this credit apply for it within 60 days after the effective date of the standard.

Although the electroplating standard took effect on October 9, 1979, the development document supporting that standard was not available for the general public. The information contained in the development document is important to an industrial user both in deciding whether or not to submit any of these requests and as evidence in support of a submission. The electroplating development document became available to the public on January 10, 1980. It may be obtained from the Effluent Guidelines Division, (WH-522), Attention: Ms. Denise Beverly, Environmental Protection Agency, 401 "M" St. S.W., Washington, D.C. 20460.

To allow electroplaters a reasonable period of time to consider their options under the standard in light of the development document, EPA will extend the relevant deadlines. The 30, 60, and 90 day periods for requesting subcategory determinations, Net/Gross credits and fundamentally different factors variances, respectively, and the 180 day period for submitting the baseline monitoring report will commence 14 days after the effective date of this notice. The October 12, 1982 deadline for compliance with the electroplating pretreatment standard is not extended by this notice.

In addition to extending the above deadlines, EPA recommends the following procedures as guidance for preparing the baseline monitoring report. The General Pretreatment Regulation does not specify the nature or frequency of sampling for pollutants for purposes of this report. The monitoring schedule in the categorical pretreatment standard for electroplaters is not intended to apply to this initial report. The only requirement is for sampling sufficient to provide "The nature and concentration of the pollutants in the discharge from each regulated process * * * (40 CFR 403.12(b)(5))."

Sampling and analysis should be performed for each pollutant or pollutant properly regulated in the applicable Pretreatment Standard. The samples shall be representative daily composite samples collected over a single operating day. Three samples, within a two week period, are sufficient for processes with flow rates less than 250,000 gallons per day. Six samples, within a two week period, are sufficient for processes with greater flow rates. If an existing facility is shut down or for some other reason it is impossible to obtain representative samples during the 180 day period, the industrial user should file the baseline report as soon as the necessary samples can be obtained.

Samples should be taken immediately downstream from the pretreatment facility if such exists, or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with regulated wastewaters prior to pretreatment, the total flow through the pretreatment facility should be given as well as the flow from each regulated process. This is necessary for use of the formula for calculating revised Pretreatment Standards, which appears in 40 CFR 403.6(e).

While the regulation requires monitoring at each regulated process, EPA is considering other approaches, such as allowing monitoring of combined wastestreams, where feasible.

There is presently no prepared form for use in fulfilling the baseline monitoring report requirements of 40 CFR 403.12. In preparing this first required report, industrial users should simply provide the information required by the seven subparagraphs of § 403.12(b) in the order given with as much detail and clarity as possible. Any legible submission containing all of the required information will be considered adequate.

EPA intends to formally address the monitoring requirements of § 403.12(b) at a later date. That action will not be retroactive. Industrial users relying on this interim guidance will not be required to re-do this report.

Dated: March 19, 1980.

Jeffrey G. Miller,
Acting Assistant Administrator for
Enforcement.

[FR Doc. 80-9129 Filed 3-25-80; 8:45 am]

BILLING CODE 6560-01-M

GENERAL SERVICES ADMINISTRATION

Automated Data and Telecommunications Service

41 CFR Ch. 101

[FPMR Temp. Reg. F-491, Supp. 1]

Listening-in and Recording of Telephone Conversations by Federal Agencies; Temporary Regulation

AGENCY: Automated Data and
Telecommunications Service, General
Services Administration.

ACTION: Temporary regulation.

SUMMARY: This supplement clarifies the information to be provided to GSA by the agencies when reporting their use of telephone listening-in and recording equipment and extends the expiration date of FPMR Temporary Regulation F-491 to July 31, 1981.

DATES: Effective date: March 26, 1980.
Expiration date: July 31, 1981.

ADDRESS: Comments should be addressed to: General Services Administration (CPEP), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT:
Robert R. Johnson, Procurement Policy
and Regulations Branch (202-566-0834).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purposes of Executive Order 12044.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

In 41 Chapter 101, this temporary regulation is listed in the appendix at the end of Subchapter F.

Dated: March 17, 1980.

R. G. Freeman III,
Administrator of General Services.

1. *Purpose.* This supplement extends the expiration date of FPMR Temporary Regulation F-491 and describes the information that agencies shall provide to the General Services Administration (GSA) for inventory and management requirements concerning the listening-in and/or recording of telephone conversations program.

2. *Effective date.* This regulation is effective upon publication in the Federal Register.

3. *Expiration date.* This regulation expires July 31, 1981, unless sooner superseded or canceled.

4. *Explanation of changes.*

a. The expiration date contained in paragraph 3 of FPMR Temporary Regulation F-491 is revised to July 31, 1981.

b. Paragraph 7 is amended to read as follows:

7. *Documentation requirements.* All listening-in or recording of telephone conversations performed under the provisions of paragraphs 6c, 6d, or 6e of this regulation, shall have a written determination approved by the agency head or the agency head's designee prior to operation. Copies of the agency documentation, determinations, and procedures supporting these operations at each location shall be forwarded to the Commissioner, Automated Data and Telecommunications Service prior to the operational date (mailing address: General Services Administration (C), Washington, DC 20405).

5. *Additional agency information and action.* The application and use of any telephone listening-in or recording equipment must be documented in accordance with paragraphs 6c, 6d, or 6e. All applications not meeting these criteria shall have been removed by November 30, 1979. Only those applications that have been documented and reported to GSA can be retained. GSA Bulletin FPMR F-114, dated December 7, 1979, requested agencies to report such information to GSA by January 21, 1980. All agencies that responded as not using telephone listening-in or recording equipment need not respond again unless, of course, they subsequently initiate telephone monitoring. They are then obligated, as are all other agencies, to report such changes to their use of telephone listening-in or recording equipment to GSA as prescribed by Temp. Reg. F-491. All other agencies shall respond by May 30, 1980. Agencies shall notify GSA when the status of any telephone listening-in application changes within their agency.

6. *Effect on other directives.* GSA Bulletin FPMR F-114 is canceled.

7. *Information and assistance.* For further information or assistance, please telephone the Procurement Policy and Regulations Branch (202-566-0834).

[FR Doc. 80-9096 Filed 3-25-80; 8:45 am]

BILLING CODE 6820-25-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[FCC 80-120]

Amending Part 0 of the Rules Reflecting a Transfer of Responsibility

AGENCY: Federal Communications Commission.

ACTION: Adoption of order (Final rule).

SUMMARY: The Commission adopted an Order amending Section 0.121(a) of the rules which would transfer the responsibility for the Field Operations Bureau's Hawaii and Pacific Island installations from the San Francisco Regional Office to the Seattle Regional Office.

EFFECTIVE DATE: April 1, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Sylvia B. Sternstein, Office of Bureau Chief, Field Operations Bureau, (202) 632-7591.

Order

Adopted: March 12, 1980.

Released: March 18, 1980.

By the Commission: Commissioner Lee absent.

1. To improve operational efficiency of the Field Operations Bureau, the Commission is ordering the transfer of responsibility for Hawaii and the Pacific Island field installations from the San Francisco Regional Office to the Seattle Regional Office.

2. It was believed initially that on the basis of proximity these installations should be included in the San Francisco region. However, it has been determined through experience that a normal work and travel flow exists in the triangle made up of Hawaii and the Pacific Islands at one point, Alaska at another, and the Seattle Regional Office as the coordinating point. The transfer of responsibility for the Pacific Islands to this latter regional office would under these circumstances enhance the Bureau operation. Section 0.121(a) of the Commission's Rules, which delineates the areas of responsibilities, is therefore being amended to reflect these changes.

3. The amendments adopted herein pertain to agency organization. The prior notice, procedure and effective date provisions of Section 4 of the Administrative Procedure Act, 5 U.S.C. 553 are therefore inapplicable. Authority for the amendments adopted herein is contained in Section 4(l) and 5(b) of the Communications Act of 1934, as amended.

4. In view of the foregoing, it is ordered, effective April 1, 1980, that Section 0.121(a) of the Rules and Regulations is amended as set forth in the Appendix hereto.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,
Secretary.

Appendix

Part 0 of Chapter 1 of Title 47 of the Code of Federal Regulations is hereby amended as indicated below:

1. Section 0.121(a) is amended to read as follows:

§ 0.121 Location of Field Installations.

(a) Regional Offices are located at the following addresses:

Address of the Regional Director	States
California, San Francisco 94105, Room 537, 211 Main St.	Arizona.
	California.
	Nevada.
	Utah.

Washington, Seattle 98174, 3090 Federal Bldg., 915 Second St.	Alaska.
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American Samoa.
Guam.
Hawaii.
Idaho.
Mariana Islands.
Midway Island.
Montana.
Oregon.
Pacific Trust Territories and Commonwealth.
Swains Island.
Wake Island.
Washington.

[FR Doc. 80-9095 Filed 3-25-80; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1125

[Ex Parte No. 293 (Sub No. 2)]

Standards for Determining Rail Service Continuation Subsidies

AGENCY: Rail Services Planning Office, Interstate Commerce Commission.

ACTION: Amendments to the Standards, final rule.

SUMMARY: On December 19, 1979, the Rail Services Planning Office (RSPO) published a notice of proposed rulemaking regarding the Standards for Determining Rail Service Continuation Subsidies (Standards), 44 FR 75188. The notice of proposed rulemaking contained three proposed amendments to the Standards that would: (1) Ensure that all charges to accounts are just and reasonable; (2) alter the calculation of the management fee; and (3) preclude a rail carrier entitled to reimbursement for General Administrative Expenses from receiving an additional administrative fee. RSPO has reviewed the comments received and has decided that the proposed amendment to the calculation of the management fee should be withdrawn. The other amendments proposed in the December 19, 1979 notice will be adopted.

EFFECTIVE DATE: April 1, 1980.

FOR FURTHER INFORMATION CONTACT: Stephen M. Grimm (202) 275-0838.

SUPPLEMENTARY INFORMATION: On December 19, 1979, RSPO published a notice of proposed rulemaking that would: (1) Ensure that all charges to

accounts are just and reasonable; (2) alter the calculation of the management fee; and (3) preclude a rail carrier from receiving both an administrative fee and reimbursement for General Administrative Expenses. RSPO has reviewed the comments received from concerned parties and has decided that the proposed amendment to the calculation of the management fee should be withdrawn. The other proposed amendments will be adopted without change. A significant number of comments were submitted regarding the change in the management fee and the inclusion of the definition of a just and reasonable charge. Since no substantive comments were received on the proposed change in the administrative fee, that issue will not be discussed in this report.

Charges to Accounts Should Be Just and Reasonable

A number of comments were received on RSPO's proposal to include a definition of a just and reasonable charge in the Standards. The Consolidated Rail Corporation (Conrail) and the Designated Operator Committee of the American Short Line Railroad Association (DOC) were concerned that the proposed definition was too vague and subject to numerous interpretations. Conrail stated that the proposed definition could be interpreted to mean that "expenses actually incurred be considered for reimbursement only if they are just and reasonable". In Conrail's view this would be contrary to law and would lead subsidizers to question the validity of a variety of actual expenses such as the charges for the circuitous routing of a freight car.

The U.S. Department of Transportation (DOT) was also concerned that the proposed definition was somewhat vague and open to interpretation. DOT suggested that RSPO provide more guidance to the parties as to what charges are and are not just and reasonable. DOT submitted a number of suggestions of the types of charges that it would consider includable and excludable as just and reasonable. DOT also suggested that RSPO establish an arbitration procedure for handling conflicts between the parties.

RSPO believes that the parties are legitimately concerned that the proposed definition is vague and may promote unwarranted conflicts between the subsidizer and the operator. RSPO does not, however, accept the view of Conrail that all charges actually incurred should automatically be considered as just and reasonable. It was noted in the notice of proposed

rulemaking that RSPO has always intended that the amounts of any charges incurred in the provision of subsidized rail service and included as avoidable costs be just and reasonable. The proposed amendment merely formalizes the existing responsibility of operators to provide "honest and efficient operation and management." RSPO does not intend that this definition be used to question every management decision, and it is certainly not intended as a vehicle to disallow valid operating costs such as those associated with necessary circuitous routing of freight cars.

After considering DOT's suggestion that a special arbitration procedure be established for the issue of "just and reasonable" charges, RSPO has decided that such a provision is unnecessary at this time. RSPO believes that the existing provision for interpretation of the Standards, section 1125.4(c), has worked well in the past and will continue to provide a forum for the formal resolution of conflicts between the parties. As always, RSPO is available on an informal basis to assist the parties in resolving the differences that arise regarding the avoidability or validity of specific cost items. RSPO will entertain further comments on this issue in the event that severe and continuing conflicts occur between the parties on the definition of a "just and reasonable" charge.

RSPO agrees with the DOT recommendation that more guidance be provided to the parties. A discussion of a variety of illustrative charges that are and are not "just and reasonable" follows. Any charges that involve illegal activities are, of course, not considered to be just and reasonable. This would include any payments or gratuities to public officials or shippers. Federal, state or local income or gross profit taxes that may accrue in the event of the profitable management of a rail line operated under a subsidy agreement are not just and reasonable expenses. Donations or contributions to charitable organizations are also not just and reasonable expenses. Certain other charges may or may not be just and reasonable. Certain fines or penalties may be just and reasonable provided they are beyond the immediate control of the carrier. An example of a just and reasonable penalty might be one incurred for the late payment of real estate taxes where the carrier did not receive the interim payment from the subsidizer and did not have funds available to meet the statutory deadline. Bad debts are considered to be just and reasonable provided that they are

incurred in the provision of transportation services rather than in other financial areas of the carrier's corporate activities. Additionally, the carrier should not continue to extend credit to a shipper with an established history of nonpayment and should make a concentrated effort to collect the debt. Reasonable entertainment and traffic solicitation charges are normally considered as just and reasonable. However, RSPO cautions the designated operator to clearly specify in the subsidy estimate provided to the subsidizer, the amounts to be allotted for these activities and to inform the subsidizer on a timely basis of any significant changes in the anticipated charges.

Management Fee

The majority of the comments received were directed at the proposed change in the calculation of the management fee for carriers whose entire rail operations are conducted under a subsidy agreement.

The operators of subsidized rail lines and their investors were opposed to the amendment and, in general, their views were represented by the Designated Operator Committee. The DOC polled its members and consolidated the comments for submission to RSPO. The DOC reported that some operators believe that the present "floor" should be increased, not reduced, and that the current "fee was an essential part of their compensation and is used wisely." The DOC advanced the view that the designated operator incurs the same risks as a larger carrier and that no potential operator, private investor or shipper would devote the time, money, and energy into the start-up and operation of a subsidized line without the hope of a reasonable return. The DOC noted that the management fee could be subject to Federal, state and local income taxes which would further reduce the carrier's "profit". Additionally, the DOC stated that the fee was needed to cover the liability for catastrophic events not covered by insurance, pay interest on debt obligations, pay for necessary non-reimbursable operating expenses and to set aside reserves for future contingencies, among others. The DOC also believed that the reduction in the management fee will destroy the financial base of certain operators and indicated that RSPO had established an unfair and artificial distinction between the operation of subsidized lines by small and large carriers. Aside from these specific objections, the DOC stated that the amendment would have a significant environmental impact. The

DOC formally requested that RSPO hold oral hearings on the amendment in order to more fully present its views.

The Ontario Midland, Ontario Central, Maryland and Delaware, and Virginia and Maryland Railroads (V & M) also filed responses opposing the RSPO proposal. V & M pointed out that subsidizers have already achieved a substantial savings in management fees actually paid by contracting with short line carriers as opposed to larger ones. The savings, V & M stated, result from the reduction in the total revenues attributable to the subsidized rail line upon which the management fee is based. V & M indicated that short line designated operators were created to operate lines on a long term, possibly permanent basis, and stated that it is highly unlikely that any operators will be found if the proposed amendment becomes the rule. The V & M expressed concern that the two percent minimum will become the maximum amount that subsidizers will be willing to pay, particularly in light of tight state budgets. Additionally, V & M pointed out that a new rail carrier must have a substantial amount of working capital available prior to the commencement of operations. This working capital, V & M stated, bears a cost either as a return on equity or as the interest on debt and these charges can only be recovered through the funds derived from the management fee. V & M also believed that any incentive program should be addressed separately from the management fee.

The New York State Department of Transportation (NYDOT) expressed its opposition to the proposed change in the management fee. NYDOT indicated its belief that the proposal will not provide a greater impetus for the negotiation of incentive agreements and may prove to be unattractive to future short line operators. NYDOT stated that the Standards do not mandate a set "floor" for the management fee and that the current 4.5 percent fee provided a point from which the operator and the subsidizer could negotiate upward or downward as warranted by local needs. NYDOT indicated that the Standards should be a guide that "places the responsibility for determining what reasonable price should be paid for [the] service on the shoulders of those closest to the circumstances at hand."

Both the Michigan Department of Transportation (MDOT) and the Maryland Department of Transportation (MD DOT) stated their opposition to any management fee that provides a set "floor". MDOT stated that the "willingness of a subsidized short line

carrier to enter into a contract agreement is evidence that the statutory requirement of reasonableness of the management fee is met." MD DOT agreed with the MDOT position and added that the subsidizer should have the "opportunity to realize the lowest * * * management fee through periodic bidding or negotiated bidding of rail service agreements among prospective operators."

RSPO considered the views of the parties and shares many of the concerns expressed. Consequently, RSPO reviewed the need for a change in the calculation of the management fee at this time and has decided that the proposed amendment should be withdrawn.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

This rule is published under the authority of 49 U.S.C. 10362.

Issued: March 18, 1980, by Alexander Lyall Morton, Director, Rail Services Planning Office.

By the Commission.
Agatha Mergenovich,
Secretary.

Part 1125, Subchapter B, Chapter X, Title 49, Code of Federal Regulations is amended as follows:

1. Section 1125.2 is amended by adding a new definition as follows:

§ 1125.2 Definitions of terms used in the standards.

* * * * *

"Just and Reasonable Charge" means that a charge to an account shall not exceed an amount necessary to the honest and efficient operation and management of carrier business.

* * * * *

2. § 1125.7(b) and (j) are revised to read as follows:

§ 1125.7 Calculation of avoidable costs and management fee.

* * * * *

The avoidable costs of providing freight service on a branch shall be the total of the just and reasonable charges assigned to the branch in accordance with this section. Those expenses apportioned under this section shall be derived from the latest Form R-1 or R-2 or R-3 of the railroad filed with the ICC prior to the conclusion of the subsidy year, and assigned to the branch according to the procedures set forth in § 1125.8 of these regulations.

* * * * *

Administrative Fee. A carrier shall be entitled to receive an administrative fee

only if the carrier is not entitled to include General Administrative Expenses, § 1125.7(d), as an avoidable cost. The administrative fee shall be calculated as one percent of the total revenues attributed to the branch under § 1125.6 and shall be allowed as an avoidable cost to the railroad to cover all costs of administering the subsidy program.

* * * * *

[FR Doc. 80-9186 Filed 3-25-80; 8:45 am]
BILLING CODE 7035-01-M

49 CFR Parts 1201, 1202, 1240, and 1241

[No. 37345]

Revision to Accounting and Reporting Requirements for Electric Railway Companies

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Interstate Commerce Commission is revising and simplifying the accounting and reporting requirements to reduce the burden on electric railway companies. The Commission has eliminated the Uniform System of Accounts for Electric Railways (49 CFR 1202) and designated all carriers currently classified electric railways as Class III railroads.

DATE: Effective for the reporting year beginning January 1, 1980.

ADDRESS: Send comments to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr., (202) 275-7448.

SUPPLEMENTARY INFORMATION: The Commission has a continuing policy to minimize the accounting and reporting burden of all carriers while ensuring that essential information is provided for regulatory purposes. The Commission's Data Task Force (DTF), which was established to review current accounting and reporting requirements, has recommended that electric railroads be redesignated Class III railroads. The Commission supports this recommendation since the Class III Annual Report R-3 will continue to provide us with essential information.

There are currently four electric railroads that maintain the Uniform System of Accounts for Electric Railways (49 CFR 1202) and file the Electric Railway Annual Report Form R-5 (49 CFR 1241.21). A fifth electric railroad, the Chicago South Shore and South Bend Railroad, requested its designation be changed from an electric

railway to a Class II railroad (49 CFR 1201, Subpart A) effective January 1, 1979. The Commission's Accounting and Valuation Board has approved this request; this final rule does not change the Class II railroad designation for Chicago South Shore and South Bend Railroad.

The Commission prescribed the Class III railroad designation under Docket No. 36730, served June 23, 1978 (43 FR 28204, June 29, 1978). Class III railroads are not required to maintain a uniform system of accounts. They file an abbreviated annual report (R-3) (49 CFR 1201, Subpart A; 1240; 1241). Electric railroads shall comply with these Class III requirements, thus significantly reducing each carrier's reporting burden while providing an adequate source of information at minimal cost to the Commission.

The Commission finds that this revision does not require a rulemaking proceeding pursuant to section 553 of the Administrative Procedure Act (5 U.S.C. 553). The rules involved are procedural in nature and revisions will actually lessen the reporting requirements for electric railway companies. However, in keeping with our belief that any rule can benefit from public scrutiny, we are requesting that the public study the rule and report any suggested changes. If the Commission concludes after reviewing the comments that it is necessary to make changes in the final rule, a further notice will be published in the *Federal Register* identifying these changes.

This decision does not significantly affect either the quality of the human environment or the conservation of energy resources.

We adopt the changes to 49 CFR Parts 1201, 1202, 1240 and 1241, set forth in the Appendix to this notice.

This action is taken under the authority of 49 U.S.C. 10321 and 5 U.S.C. 553. The regulations shall apply to the reporting of data for calendar year 1980 provided that the Comptroller General of the United States finds that they comply with the Federal Reports Act.

Decided: March 14, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, and Alexis.

James H. Bayne,
Acting Secretary.

Appendix A

PART 1201—RAILROAD COMPANIES

1. Revise Part 1201, Subpart A, General Instruction 1-1, by adding a new paragraph (e) at the end thereof as follows.

1-1 Classification of carriers.

(e) Unless provided for otherwise, all electric railway carriers, regardless of operating revenues, will be designated as Class III railroads.

PART 1202—[DELETED]

2. Delete Part 1202, Uniform System of Accounts for Electric Railways.

PART 1240—CLASSES OF CARRIERS

3. Revise § 1240.1 by adding a new paragraph (e) at the end thereof as follows.

§ 1240.1 [Amended]

(e) Unless provided for otherwise, all electric railway carriers, regardless of operating revenues, will be designated as Class III railroads.

Subpart C—[Deleted]

4. Delete Part 1240, Subpart C.

PART 1241—ANNUAL, SPECIAL OR PERIODIC REPORTS; CARRIERS SUBJECT TO PART I OF THE INTERSTATE COMMERCE ACT

§ 1241.21 [Deleted]

5. Delete § 1241.21.

[FR Doc. 80-9160 Filed 3-25-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 655

Squid Fishery of the Northwest Atlantic; Reallocation of Atlantic Squid

AGENCY: National Oceanic and Atmospheric Administration (NOAA)/Commerce.

ACTION: Notice of reallocation of squid.

SUMMARY: The Assistant Administrator for Fisheries, NOAA, hereby reallocates unharvested *Illex* and *Loligo* squid from the annual domestic quotas to the annual quotas established for fishing vessels of foreign nations. These genera of squid are reallocated in the following manner: (1) the annual domestic quota for *Illex* is reduced from 10,000 metric tons (mt) to 5,270 mt and the annual foreign quota is increased from 20,000 mt to 24,730 mt; and (2) the annual domestic quota for *Loligo* is reduced from 14,000 mt to 8,500 mt and the foreign quota is increased from 30,000 mt to 35,500 mt. These allocations are

only for the fishing year 1979-1980 and expire on March 31, 1980.

EFFECTIVE DATE: March 25, 1980.

FOR FURTHER INFORMATION CONTACT:

Mr. Allen Peterson, Jr., Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts 01930. Telephone: (617) 281-3600.

SUPPLEMENTARY INFORMATION: Domestic and foreign fishing for *Illex* (short-finned) and *Loligo* (long-finned) squid in the Atlantic portion of the fishery conservation zone of the United States is managed in accordance with regulations (44 FR 77174) implementing the Fishery Management Plan for the Squid Fishery of the Northwest Atlantic Ocean (FMP). This FMP was prepared by the Mid-Atlantic Fishery Management Council (Council) and approved by the Assistant Administrator for Fisheries under authority of the Fishery Conservation and Management Act of 1976, as amended (the Act), 16 U.S.C. 1801 et. seq.

Foreign and domestic catch quotas for *Illex* and *Loligo* for the fishing year 1979-1980 (April 1, 1979-March 31, 1980) were established by those regulations. Based on data on domestic landings of squid, and in accordance with the regulatory procedure set forth in Section 655.22, the Assistant Administrator is reallocating portions of the unharvested annual domestic quotas to the annual foreign quotas.

The amounts of squid reallocated are 4,730 mt of *Illex* and 5,500 mt of *Loligo*. These quantities were determined by taking the reported domestic landings and subtracting them from the projected domestic annual harvest, and then taking 50 percent of that amount as prescribed in Section 655.22.

Response to Public Comments

Notice of intent to reallocate squid was published in the February 26, 1980, *Federal Register* (45 FR 12461), and public comment was invited for 15 days. Written comments were received from the National Fisheries Institute and from the New England Fisheries Steering Committee. The commenters objected to the proposed reallocation and expressed concern that any U.S. allocations to foreign nations will hinder potential U.S. export markets. Comments were also received from the Squid Committee of the Council stating that the reallocation proposal was in compliance with the reallocation procedures of the FMP. They further stated that available data indicated that the reallocation will not have a significant impact on domestic

fishermen. Thus, the Committee did not object to the reallocation.

If unused portions of the domestic annual harvests (DAHs) are not allocated to foreign nations, the optimum yields (OYs) cannot be achieved in this fishing year. Allocation to foreign nations is in accordance with the FMP developed by the Council and National Standard 1 of Act. Although NOAA agrees that export market development for U.S. caught squid is a desirable objective, this reason is not sufficient for withholding the unused DAH from allocation to the total allowable level of foreign fishing (TALFF). In addition, squid are short lived organisms; without the allocation of TALFF, this food resource would be lost to human consumption.

NEPA and E.O 12044 Compliance

An Environmental Impact Statement (EIS) was prepared for the Atlantic squid FMP, which authorizes this in-season adjustment. A notice of availability of the final EIS was published on June 9, 1978 (43 FR 25183). A notice of availability of a supplement to the final EIS was published on January 22, 1979 (44 FR 4545). A final regulatory analysis on the final regulations was also prepared.

Signed at Washington, D.C. this 21st day of March, 1980.

(16 U.S.C. 1801 et. seq.)

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-9299 Filed 3-25-80; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 45, No. 60

Wednesday, March 26, 1980

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 109

Employment Authorization

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Proposed rule.

SUMMARY: This proposed rule adds a new Part 109 to Chapter I of the existing regulations to codify procedures and criteria for the grant of employment authorization to aliens in the United States. Service procedures for the grant of employment authorization are contained in various sections of the Service's Operations Instructions and in numerous policy statements direct to Service field offices. The proposed regulations are intended to codify the various procedures and criteria in one place in the regulations so that the public may conveniently locate the rules on employment authorization for aliens and the standards which are applicable.

DATE: Representations must be received on or before May 27, 1980.

ADDRESSES: Please submit representations, in duplicate, to the Commissioner of Immigration and Naturalization, Room 7100, 425 Eye Street, NW., Washington, D.C. 20536.

FOR FURTHER INFORMATION CONTACT: For general information:

Stanley J. Kieszkil, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, D.C. 20536. Telephone: (202) 633-3048.

For specific information:

Harry Klajbor, Deputy Assistant Commissioner, Adjudications, Immigration and Naturalization Service. Telephone: (202) 633-3229.

SUPPLEMENTARY INFORMATION: On July 25, 1979 proposed regulations were initially published in the Federal Register (44 FR 43480) proposing to add a new Part 109 to the regulations codifying the procedures and criteria for

the grant of employment authorization to aliens in the United States. Under the initial proposal, nonimmigrant aliens maintaining status were to continue to comply with existing regulations relating to permissible employment for their particular nonimmigrant status. Other aliens were to apply to the district director for discretionary grants of employment authorization if prima facie entitled to an immigration benefit (such as adjustment of status, suspension of deportation, asylum) which if granted, would make the alien eligible to remain in the United States permanently or for an indefinite period of time. The proposed regulation also provided that the discretionary grant of employment authorization was dependent upon establishing financial necessity for such employment.

Interested persons were given until September 24, 1979, to submit written comments, suggestions, or arguments. Careful consideration was given to all written responses received by the Service. In view of these comments the proposed rule has been significantly modified so as to require publication again as a proposed rule for public comment.

The current proposal amending Chapter I of Title 8 of the Code of Federal Regulations adds a new § 109.1(a) General, which sets forth the classes of aliens who are authorized to be employed in the United States as a condition of their admission without specific authorization from the Service. Paragraph (b) of § 109.1 describes the classes of aliens who may apply for discretionary work authorization based upon their financial needs and that of their families. Section 109.2, consisting of two subsections, sets forth the criteria to be used by the district director in revoking previously granted discretionary work authorizations, and the requirement to serve notice of intent to revoke as well as a fifteen day period within which to submit rebuttal evidence by the alien.

The Attorney General's authority to grant employment authorization stems from section 103(a) of the Immigration and Nationality Act which authorizes him to establish regulations, issue instructions, and perform any actions necessary for the implementation and administration of the Act. The Attorney General's authority has been delegated to the Commissioner of Immigration and

Naturalization by 28 CFR 0.105. The authority of the Attorney General to authorize employment of aliens in the United States as a necessary incident of his authority to administer the Act was specifically recognized by the Congress in the enactment of section 6 of P.L. 95-571. That provision amended section 245(c) of the Act to bar from adjustment of status any alien (other than an immediate relative of a United States citizen) who after January 1, 1977 engages in unauthorized employment prior to filing an application for adjustment of status.

Therefore, it is proposed to amend Chapter I of Title 8 of the Code of Federal Regulations by adding a new Part 109 as set forth below:

PART 109—EMPLOYMENT AUTHORIZATION

Sec.

109.1 General.

109.2 Revocation of employment authorization.

Authority: Sec. 103 and 245(c); (8 U.S.C. 1103 and 1255(c))

§ 109.1 General.

(a) The following classes of aliens are authorized to be employed in the United States as a condition of their admission or subsequent change to one of the indicated classes, and specific authorization need not be requested:

- (1) A lawful permanent resident alien.
- (2) An alien permitted conditional entry under section 203(a)(7) of the Act.
- (3) An alien paroled into the United States as a refugee.
- (4) An alien who has been granted asylum pursuant to 8 CFR Part 108.
- (5) An alien who has been admitted as a nonimmigrant fiancé/fiancée.
- (6) An alien who has been admitted as a nonimmigrant in one of the following classifications, or whose status has been changed to such classification pursuant to section 247 or 248 of the Act, but only to the extent described in 8 CFR Part 214 for such classification:

- (i) A treaty trader or investor (E-1, E-2).
- (ii) A temporary worker or trainee (H-1, H-2, H-3).
- (iii) An information media representative (I).
- (iv) An exchange visitor (J).
- (v) An intra-company transferee (L).

(b) The classes of aliens listed below may apply for employment authorization to a district director under the

circumstances set forth below. The decision of the district director shall be final and no appeal shall lie from his denial of an application for employment authorization:

(1) An alien maintaining a lawful nonimmigrant status in one of the following classes may be granted permission to be employed to the extent permitted by 8 CFR 214.1 and 8 CFR 214.2.

(i) An alien dependent of a nonimmigrant having A-1, A-2 or G-4 classification.

(ii) An alien student (F-1).

(iii) An alien spouse of an exchange visitor (J-2).

(2) A deportable alien who has been granted voluntary departure prior to commencement of hearing pursuant to 8 CFR 242.5(a)(2) (v), (vi), (vii), or (viii), may be granted permission to be employed for the period of voluntary departure: *Provided*, The alien establishes to the satisfaction of the district director that he is financially unable to maintain himself (and family, if any) without employment.

(3) An alien who has been granted voluntary departure by an immigration judge to be effected as of a date 60 days or more thereafter, may be granted permission to be employed for the period of voluntary departure, provided the alien establishes to the satisfaction of the district director that he is financially unable to maintain himself without employment.

(4) An alien who has filed an application for asylum pursuant to 8 CFR Part 108 may be granted permission to be employed for the period necessary to decide the case, provided the application is prima facie approvable and provided the alien establishes to the satisfaction of the district director that he is financially unable to maintain himself (and family, if any) without employment.

(5) An alien who has properly filed an application for adjustment of status pursuant to section 245 of the Act may be granted permission to be employed for the period necessary to decide the case.

§ 109.2 Revocation of employment authorization.

(a) Employment authorization which has been granted pursuant to § 109.1(b) may be revoked by the district director when it shall appear that one or more of the conditions upon which it was granted no longer obtains.

(b) When the district director determines that employment authorization should be revoked, he shall serve notice of his reasons and intention to revoke on the alien, who

will be granted a period of fifteen days in which to submit evidence why the authorization should not be revoked. The decision by the district director shall be final and no appeal shall lie from his decision to revoke employment authorization.

Public Comment Invited

In accordance with 5 U.S.C. 533, the Service invites representations of interested parties on this proposed rule. All relevant data, views, or arguments submitted on or before May 27, 1980, will be considered. Representations should be submitted in writing, in duplicate, to the Commissioner of the Immigration and Naturalization Service at the address shown at the beginning of this notice.

Dated: March 20, 1980.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 80-9181 Filed 3-25-80; 8:45 am]

BILLING CODE 4410-10-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 19

Informal Conference During Inspection; Notice of Proposed Rulemaking

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing an amendment to its regulations which is intended to facilitate the exchange of information during and after inspections of licensed facilities and to expedite the resolution of inspection findings. The amendment under consideration would establish a procedure for holding informal conferences at any time during or after an inspection to which both the NRC inspector and licensee could invite, as either determines appropriate, individuals with legitimate interests in matters pertaining to the inspection.

DATES: Comment period expires May 12, 1980.

ADDRESSES: Interested persons are invited to submit written comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

FOR FURTHER INFORMATION CONTACT: Mr. Robert E. Alexander, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Phone 301-444-5975).

SUPPLEMENTARY INFORMATION:

Paragraph 19.14(a) of 10 CFR 19 states that "each licensee shall afford to the Commission at all reasonable times opportunity to inspect materials, activities, facilities, premises, and records pursuant to the regulations in this chapter." Procedures established by the Office of Inspection and Enforcement of the NRC include entrance and exit meetings with licensee representatives for the purpose of discussing matters pertaining to inspections. These meetings are necessary for an orderly and complete inspection process, and are used by the NRC inspectors to clarify inspection objectives and procedures and discuss inspection findings, including the resolution of apparent items of noncompliance with regulatory requirements.

The intent of this proposed rulemaking is twofold: first, to codify in the regulations the current practice of holding meetings with licensee representatives during NRC inspections and second, to allow NRC inspectors to invite to these meetings, individuals with specific and legitimate interest in the inspection. Under Part 19, licensees have the prerogative of choosing representatives, including their own employees and consultants, to attend inspection meetings with the NRC inspectors. The NRC, on the other hand, has essentially no option (under the rule) concerning who should attend such meetings. The proposed rule change would give NRC the prerogative of having present individuals that have a specific and legitimate interest in attending the meeting; for example:

a. A representative of the workers who has submitted a request for inspection under § 19.16 of the regulations; or

b. A worker who has an expressed interest in the inspection which has been brought to the attention of the NRC according to §§ 19.15 or 19.16 of the regulations.

The proposed rulemaking responds to a request from several unions interested in being involved in inspections related to radiological conditions in the work environment. In addition, the NRC Office of Inspection and Enforcement believes that having the option to invite interested individuals and, in some cases, expert consultants to meetings with licensee representatives would increase the effectiveness of inspection conferences. These informal conferences have considerable value in terms of clarifying inspection objectives and procedures, and discussing inspection findings including the resolution of possible items of non-compliance with

regulatory requirements. Office of Inspection and Enforcement personnel have indicated that on several occasions licensees have rejected requests for the attendance of workers or representatives of workers with legitimate interests. These incidents have resulted in greater difficulty in resolving health and safety considerations.

Under the proposed rule, it should be clear that it is not the intent to require the attendance of interested persons and/or expert consultants. The licensees, however, could not refuse permission to their employees, or contractors, or consultants to attend, and would be obligated to send a management representative to the informal conference if requested by NRC. Likewise the proposed rule is not intended to open inspection conferences to the general public; inspection findings and the licensee's position expressed in correspondence become matters of public record under existing practice. The proposed rule would simply facilitate resolution of matters in the inspection conference.

It is common practice for licensee management to discuss corrective actions for regulatory violations during inspection meetings. These might include proposed correction of the management control procedures which permitted a violation to occur. In the case of significant health and safety deficiencies, NRC inspectors expect the licensee to make a commitment to expediting corrective actions in the interest of health and safety without waiting for an enforcement letter. Licensees might be reluctant to discuss such matters in the presence of worker representatives. In addition, information concerning proprietary matters might be relevant to discussions of inspection findings, and licensee would not choose to discuss these matters in an open meeting. These problems should be obviated by the fact that the NRC inspector and the licensee would have the prerogative of inviting only persons with legitimate, specific interests.

The Commission also believes that this practice should not be limited to holders of operating licenses under Part 50 but should include all Part 50 licensees including construction permits and limited work authorizations. Accordingly, the scope of Part 19 will be slightly modified.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that the adoption of the following

amendments to 10 CFR Part 19 are contemplated:

1. An amendment to § 19.2 by adding a sentence to the end thereof:

§ 19.2 Scope

*** The provisions in § 19.14 shall also apply to the holders of construction permits and limited work authorizations for production and utilization facilities pursuant to Part 50 of this chapter.

2. A new paragraph (h) to be added to § 19.14, to read as follows:

§ 19.14 Presence of representatives of licensees and workers during inspections.

(h) At the request of the NRC inspector, an informal conference with a representative of licensee (including holders of construction permits and limited work authorizations) management shall be held at any time during an inspection to discuss tentative inspection findings, complaints of individuals involved in the licensed activities concerning radiological working conditions, safety, safeguards and environmental impacts and resolution of matters pertaining to inspection findings. The NRC inspector and the licensee shall each have the option of inviting, as either determines appropriate, individuals with legitimate interests in matters pertaining to the inspection. (Action taken under this subparagraph shall not affect the option of confidentiality afforded any individual who provides information to the NRC, to the extent authorized by law.)

(Secs. 81, 161, Pub. Law 83-703, 68 Stat. 935, 948 (42 U.S.C. 2111, 2201); Sec. 201, Pub. Law 93-438, 88 Stat. 1242 (42 U.S.C. 5841))

Dated at Washington, D.C. this 20th day of March 1980.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 80-9272 Filed 3-25-80; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 3 and 260

[Docket No. RM80-20]

Proposed Rulemaking To Revise FERC Form No. 16 Report of Gas Supply and Requirements; Change of Proposed Implementation Date

Issued March 20, 1980.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of change of proposed implementation date.

SUMMARY: The Commission gives public notice that the proposed implementation date for the revised Form No. 16, "Report of Gas Supply and Requirements," is moved from April 30, 1980 to September 30, 1980. This is to permit analysis of comments received on the proposal and to provide adequate time to implement changes to the existing form prior to submission of the revised form.

DATES: Current Form No. 16 due by April 30, 1980; revisions proposed to be implemented for the September 30, 1980 reporting date.

FOR FURTHER INFORMATION CONTACT:

Robert Schroeder, Office of Pipeline and Producer Regulation, Curtailment Branch, Room 7300-B, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8828.

SUPPLEMENTARY INFORMATION: On January 18, 1980 the Commission issued a notice of proposed rulemaking to revise FERC Form No. 16, "Report of Gas Supply and Requirements", 45 FR 5309 (January 23, 1980). By that notice, the Commission proposed to change the number of schedules contained in that form, the format of those schedules and their accompanying instructions. Further, it was proposed to have the changes implemented in time for the report due April 30, 1980.

Several comments were received to the January notice which, in addition to providing technical suggestions to the proposed form, advocated delay in the implementation of any proposed changes. The delay, it was argued, would provide the time necessary to conform current record-keeping and reporting methods to the proposed changes.

To provide more time for the evaluation of the comments received, and to permit more time to implement any proposed change so that those who will submit the revised form can become familiar with any changes, the proposed implementation date of any revision would be September 30, 1980 instead of April 30, 1980.

By direction of the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-9097 Filed 3-25-80; 8:45 am]

BILLING CODE 6450-85-M

18 CFR Part 271

[Docket No. RM80-21]

Proposed Regulations Under Sections 110, 105, and 106(b) of the Natural Gas Policy Act of 1978; Public Hearing

March 21, 1980.

AGENCY: The Federal Energy Regulatory Commission.**ACTION:** Notice of public hearing.

SUMMARY: On January 18, 1980 [45 FR 5747, January 24, 1980] the Federal Energy Regulatory Commission (the Commission) issued a notice of proposed rulemaking to amend the interim regulations under section 110 of the Natural Gas Policy Act of 1978 (NGPA) to provide for the treatment of State severance taxes imposed on gas subject to section 105(b)(1) of the NGPA. In the preamble to the notice of proposed rulemaking the Commission stated that it intended to hold a public hearing on the proposed rule. Notice is hereby given that a public hearing will be held in Washington, D.C., on April 10, 1980. The exact time and location is set forth below.

DATES: Requests to participate by April 4, 1980. Hearing to be held on April 10, 1980 at 10:00 a.m.

ADDRESSES: Send requests to participate to:

The Office of the Secretary, The Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426

The hearing will be held at:

The Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426

The room number will be posted on the day of the hearing.

FOR FURTHER INFORMATION CONTACT:

The Office of the Secretary, The Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Telephone: (202) 357-8400; or Teresa Ponder, The Office of the General Counsel, The Federal Energy Regulatory Commission, Room 8100, 825 North Capitol Street, N.E., Washington, D.C. 20426. Telephone: (202) 357-8151

SUPPLEMENTARY INFORMATION: The hearings will be held for the purpose of receiving oral comments on the proposal of the Commission to amend the interim regulations under section 110 of the Natural Gas Policy Act of 1978 (NGPA) to provide for the treatment of State severance taxes imposed on gas subject to section 105(b)(1) of the NGPA.

Requests to participate in the hearing should reference Docket No. RM80-21, and should indicate the amount of time required for the oral presentation, and

the telephone number at which the person making the presentation can be reached. Persons participating in the public hearing should, if possible, bring copies of their testimony to the hearing. A list of the participants in the hearing will be available in the Commission's Division of Public Information, Office of Congressional and Public Affairs, three days before the hearing and will be available at the site of the hearing on the morning it is convened.

Members of the hearing panel will be designated by the Chairman of the Commission. The hearing will not be judicial or evidentiary-type hearings. There will be no cross-examination of persons presenting statements. However, the panel may question such persons and any interested person may submit questions to the presiding officer to be asked of persons making statements. The presiding officer will determine whether the question is relevant and whether the time limitations permit it to be presented. Any further procedural rules will be announced by the presiding officer at the hearing. Transcripts of the hearing will be available through the Commission's Division of Public Information, Office of Congressional and Public Affairs.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 80-9162 Filed 3-25-80; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**Office of the Secretary****24 CFR Part 3282**

[Docket No. R-80-786]

Mobile Home Procedural and Enforcement Regulations; Definition of Recreational Vehicle; Transmittal of Bulletin to Congress

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of transmittal of interim interpretative bulletin to Congress under Section 7(o) of the Department of HUD Act.

SUMMARY: Recently enacted legislation authorizes Congress to review certain HUD rules for fifteen (15) calendar days of continuous session of Congress prior to each such rule's publication in the *Federal Register*. This Notice lists and summarizes for public information an interim interpretative bulletin which the Secretary is submitting to Congress for such review. This interpretative bulletin

is not listed in the Department's semiannual agenda of significant rules, published pursuant to Executive Order 12044.

FOR FURTHER INFORMATION CONTACT: Mr. Burton Bloomberg, Director, Office of Regulations, Office of General Counsel, 451 7th Street, S.W., Washington, D.C. 20410 (202) 755-6207.

SUPPLEMENTARY INFORMATION:

Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairmen and Ranking Minority Members of both the Senate Banking, Housing and Urban Affairs Committee and the House Banking, Finance and Urban Affairs Committee the following rulemaking document:

Part 3282—Mobile Home Procedural and Enforcement Regulations—Definition of Recreational Vehicle—Interpretative Bulletin

This interpretative bulletin would specify the types of plumbing, heating and electrical systems which would be necessary to exempt a large recreational vehicle from compliance with the Mobile Home Procedural and Enforcement Regulations.

(Section 7(o) of the Department of HUD Act, 42 U.S.C. 3535(o), Section 324 of the Housing and Community Development Amendments of 1978).

Issued at Washington, D.C., March 20, 1980.

Moon Landrieu,

Secretary, Department of Housing and Urban Development.

[FR Doc. 80-9163 Filed 3-25-80; 8:45 am]

BILLING CODE 4210-01-M

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[FRL 1445-7]

Approval and Promulgation of Implementation Plans; Disapproval of Proposed Revision to Michigan Plan

AGENCY: Environmental Protection Agency.

ACTION: Disapproval of proposed revision.

SUMMARY: This action disapproves a proposed revision to the Michigan State Implementation Plan (SIP) submitted to the U.S. Environmental Protection Agency (USEPA) by the Michigan Department of Natural Resources (MDNR) pursuant to Section 110(a)(3) of the Clean Air Act, 42 U.S.C. 7410(a)(3). The revision, in the form of a Final Order issued February 13, 1979 by the Michigan Air Pollution Control

Commission (MAPCC), proposed to extend the compliance date to December 31, 1982 for Dow Chemical Company (Dow) of Midland, Michigan to meet the State emission limits for the sulfur dioxide, particulate matter, and visual emissions. In order to control emissions before December 31, 1982 the Order permitted Dow to utilize a Supplementary Control System (SCS).

FOR FURTHER INFORMATION CONTACT:

Gary Gulezian, Acting Chief, Regulatory Analysis Section, Air Programs Branch, United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 886-6053.

SUPPLEMENTARY INFORMATION:

I. Background

On February 14, 1979 the Michigan Air Pollution Control Commission (MAPCC) submitted to USEPA a proposed revision to Michigan's State Implementation Plan (SIP). The revision was in the form of a Final Order issued by MAPCC after Dow and the MDNR had entered into a Stipulation for Entry of a Consent Order.

In the Consent Order Dow acknowledged "that it is presently the source of the emissions which result in all significant ambient air concentrations of sulfur dioxide in and around Midland, Michigan," and agreed with the MAPCC that "Federal Ambient Air Quality Standards for sulfur dioxide are presently being met in and around Midland, Michigan, because of the operation of an SCR [Supplementary or Intermittent Control System] by Dow." Supplementary or Intermittent Control Systems are described in the Order as "systems which limit the rate of pollutant emissions during periods when meteorological conditions conducive to ambient ground level concentrations in excess of levels specified in subparagraph (iii) are anticipated." The ambient ground level concentrations specified in subparagraph (iii) are the same as the National Ambient Air Quality Standards (NAAQS) for sulfur dioxide (a running 24-hour average of 0.14 ppm, an annual arithmetic mean of 0.03 ppm, and a running 3-hour average of 0.50 ppm) with the exception that no exceedances are allowed. In order to keep from exceeding these concentrations, subparagraph (iii) of the Order provides further that "Dow shall utilize low sulfur fuel, load reduction, plant shut down, or other measures * * *". The Order provided that by December 31, 1982, Dow would be in continuous compliance with the present State emission standards through the purchase of process steam and electricity or by burning fuel which

would result in compliance; but, until that time Dow would be exempt from the State emission limitations for sulfur dioxide, particulates and opacity.

At the present time the federally-approved Michigan Implementation Plan provides that Dow achieve compliance with sulfur dioxide emission standards by July 1, 1975, and with particulate emission standards by April 1, 1975. See 40 CFR 52.1175(d).

On May 17, 1974 Dow and MAPCC entered into a Consent Order which provided that Dow could temporarily operate a SCS until July 1, 1980, to meet NAAQS for sulfur dioxide; that, until July 1, 1980, Dow was exempt from the State emission limitations for sulfur dioxide (SO₂) and, that Dow would, in the interim, purchase and install equipment on its coal-fired boilers so as to enable Dow to shift the use of fuels from coal to oil or natural gas when it was determined through the use of its SCS that the weather was conducive to ground level concentrations in excess of NAAQS. This Consent Order was never submitted to USEPA as a SIP revision.

On July 21, 1977, Dow and MAPCC entered into a new Consent Order. This Order authorized Dow to continue operation of its existing system (switching from coal to oil or gas when meteorological conditions conducive to ground level concentrations in excess of NAAQS exist) until July 1, 1980, at which time Dow agreed to eliminate coal as a fuel in its power plants and substitute compliance fuels, primarily oil.¹ The 1977 Consent Order was the subject of litigation (*Dow Chemical v. Costle*, No. 78-10019, E.D. Mich.), wherein the District Court determined that the review of the Consent Order as a proposed SIP revision by USEPA could not be accomplished until the MAPCC had completed the record and submitted it to USEPA for review. Instead of completing the record for the 1977 Consent Order, Dow and the MAPCC entered into negotiations for a new Consent Order and on February 14, 1979 Consent Order APC No. 01-1979 was formally submitted by MAPCC to USEPA as a proposed SIP revision.

In August 1977, Congress amended the Clean Air Act (Act) to require the designation of areas in each state where the National Ambient Air Quality Standards (NAAQS) for total suspended particulates (TSP), sulfur dioxide (SO₂), carbon monoxide (CO), photochemical oxidants (ozone), and nitrogen dioxide (NO₂) were not being met. See Section 107(d) of the Act, 42 U.S.C. § 7407. An

area in Midland County, Michigan, where Dow is located, was designated as a nonattainment area for both the primary and secondary SO₂ NAAQS and for the secondary TSP NAAQS. See 43 FR 8692, dated March 3, 1978, and 43 FR 45993 dated October 5, 1978. Thereafter, the State of Michigan submitted its part D implementation plan to attain and maintain sulfur dioxide and particulate NAAQS in the nonattainment areas. In its submittal the State indicated that its part D control strategy for SO₂ nonattainment areas was to eliminate supplemental control systems and to require "constant emission control systems." ²This was to be accomplished by Consent Orders, such as APC No. 01-1979 previously submitted February 14, 1979, to USEPA as a proposed SIP revision. USEPA's review of Order No. 01-1979 as a part D SIP review is the subject of a separate notice of proposed rulemaking published 45 FR 9752 (February 13, 1980).

On June 19, 1979 USEPA published at 44 FR 35263 a Proposed Disapproval of the proposed site specific SIP revision on the basis that the Consent Order did not contain constant control devices for the continuous reduction of emissions but, instead, permitted Dow to vary its emissions of sulfur dioxide and particulates according to atmospheric conditions.

II. Public Comments

In response to the proposed disapproval of the proposed SIP revision comments were received from Dow Chemical Company and from the American Lung Association of Michigan. Dow's comments urged approval of the proposed SIP revision and made the following arguments:

1. The proposed revision is approvable because it meets the requirements of Sections 110(a)(2) and Sections 302(k) and (m) of the Clean Air Act.

2. In the event that Dow's system is determined to be a SCS and barred by Section 123 of the Act as a final means of compliance, Section 123 does not bar the use of the SCS as an interim means of compliance.

3. The designation of the Midland, Michigan area as a nonattainment area for sulfur dioxide and particulate NAAQS is in error.

4. The proposed revision should be approved because of equitable considerations.

5. Since the supplementary control system enables Dow to keep from

¹ Comments by the Dow Chemical Company, August 2, 1979, p. 6.

² State of Michigan Air Quality Implementation Plan dated May 1, 1979, p. 5-2.

violating NAAQS, "no significant health effects would be presented by controlling Dow-Midland sulfur dioxide emissions below the SCS level."³

The comments of the American Lung Association of Michigan supported disapproval of the Consent Order as a SIP revision and stressed the following points:

- (1) The Order is contrary to law in that it permits reliance on a SCS for control of emissions from the Dow-Midland complex.
 - (2) The period during which Dow is permitted to use the SCS to control emissions does not qualify as an interim period under the Clean Air Act or case law.
 - (3) The Consent Order does not satisfy the SIP requirements of Section 172 of the Clean Air Act for nonattainment areas.
 - (4) The Consent Order does not provide for adequate emission monitoring for enforcement purposes.
 - (5) It would be inequitable to approve the Consent Order as a SIP revision.
- As set forth below, the comments of Dow do not justify approval of the Consent Order as a SIP revision.

1. Requirements of Section 110(a)(3)(A) and Sections 302(k) and 302(m) of the Clean Air Act

A. Section 110(a)(3)(A) of the Clean Air Act provides for approval of SIP revisions by the Administrator if the revision "meets the requirements of paragraph (2) and has been adopted by the State after reasonable notice and public hearings." Paragraph (2) refers to Section 110(a)(2) which requires in subparagraph (B) that the revision contain "emission limitations * * * and such other measures as may be necessary to insure attainment of such primary or secondary standard * * *." Section 302(k) defines "emission limitation" and "emission standard" as "a requirement * * * which limits the quantity, rate or concentration of emissions of air pollutants on a continuous basis * * *;" and Section 302(m) defines "means of emission limitation" as "a system of continuous emission reduction (including the use of specific technology or fuels with specified pollution characteristics)."

Although Dow and the MAPCC continuously refer to Dow's means of emission limitation as a Supplementary Control System,⁴ Dow claims in its comments that Dow's system is not a SCS and that the Consent Order

contains a proper "emission limitation" in that it establishes a "concentration" of pollutant which Dow is required to achieve. The "emission limitation", and/or "concentration", in the Consent Order are the primary and secondary National Ambient Air Quality Standards for sulfur dioxide with the exception that any exceedance of the Standards is considered a violation. Dow comments further that its system is not a SCS because it reduces emissions and insures continuous compliance with the NAAQS numerical limitations.⁵

Dow describes its SCS as a process by which information from eight SO₂ analyzers located in the City of Midland, from meteorological instruments in a tower located near the company, and from its boiler operation are fed into a computer which provides data to a consultant in Boston. The consultant uses this information to forecast the air quality impact of Dow's planned boiler operations. When the consultant determines which fuel must be burned in order to maintain NAAQS under the meteorological conditions in Midland, the information is sent back to the Dow computer for transmission to the Dow Utilities Control Room. The individuals in charge of the boiler operations then switch certain boilers to the fuel necessary to maintain NAAQS. Dow, in its comments stressed the ability of its SCS to keep Dow from violating NAAQS and alleged that because of this effectiveness Dow's SCS was not the type of SCS that Congress intended to ban by adding Section 123 of the Clean Air Act.

The Act requires more than continuous compliance with the NAAQS. Section 110(a)(2)(B) requires the use of emission limitations to insure attainment and maintenance of the NAAQS. Emission limitation, as defined in Section 302(k) and 302(m) of the Act requires "continuous emission reduction." Under Section 123 of the Act the degree of emission limitation required to meet the standards cannot be affected by a dispersion technique.

It is USEPA's determination, that Dow's system does not require continuous emission reduction and that it is designed so as to allow Dow to vary the fuel mix used by its boilers to the

extent that it is necessary to keep from exceeding NAAQS.⁶

Such a system is a "dispersion technique" as described in Section 123 of the Act, i.e., "any intermittent or supplemental control of air pollutants varying with atmospheric conditions", and thus cannot be considered in determining the degree of emission limitation that Dow is required to meet. Furthermore, the Consent Order states that "Dow and the Commission agree that Federal Ambient Air Quality Standards are being met in and around Midland, Michigan, because of operation of an SCS by Dow."

Dow comments that the use of fuels may be a means of emission limitation. For the use of fuels, however, to be a proper means of compliance, the proposed SIP revision must identify the specific fuel mix to be used and include a demonstration that use of specific fuels at maximum operating conditions and "worst case" meteorology would not cause a violation of the NAAQS for either sulfur dioxide or particulates.

The proposed SIP revision that MAPCC has submitted to USEPA for approval/disapproval is deficient in that it contains no demonstration that the sulfur dioxide and particulate NAAQS would be protected without the use of Dow's SCS, a "dispersion technique."

B. Dow comments that the proposed revision contains a proper emission limitation because Dow cannot exceed the SO₂ NAAQS. Dow claims this limitation [NAAQS] is a "concentration" of pollutant which Dow is required to achieve and thus is an "emission limitation" which meets the requirements of Sections 110(a)(2) and 302(k) of the Act. It is USEPA's position that the Clean Air Act not only requires compliance with the national ambient air quality standards, which are ground level concentrations, but also with emission limitations, which limit the amount of pollutants emitted by a source (42 U.S.C. 7410(a)(2) (A) and (B)). Emission limitations, as applied to a source, must "assure continuous emission reduction" 42 U.S.C. 7602 (k) and (m). Dow is required to comply with both ground level concentrations (ambient standards) and emission limitations designed to attain the ambient standards. Compliance by Dow with ground level concentrations of the SO₂ NAAQS does not constitute compliance with its emission limitation in the federally approved SIP. The Order which requires only compliance with the

⁵ The concentration levels in the Consent Order will be referred to as to NAAQS hereafter for purposes of brevity although it is understood that the difference between the requirements in the Consent Orders and NAAQS is that the Consent Order states that any exceedance of the 24-hour standard is a violation, whereas NAAQS permit one exceedance of the 24-hour and 3-hour standards before the exceedances are considered a violation.

³ Health and Welfare Benefits of Continuous Control of Sulfur Dioxide emissions, prepared for Dow Chemical Co., November 17, 1978.

⁴ Consent Order APC No. 1-1979 and Dow's Comments dated August 2, 1979.

⁶ See Dow's comments (July 20, 1979, p. 6) "This mixture of fuel varies as the concentration of the pollutant varies so that at no time is the limitation [SO₂ NAAQS] violated."

ground level concentrations of the SO₂ NAAQS does not meet the statutory requirements of Section 110(a)(2)(B) (42 U.S.C. 7410(a)(2)(B)).

The proposed revision is also deficient in that it does not contain any emission limitations for particulates or visual emissions.

2. Interim Use of Supplementary Control Systems

Dow comments on page 3 of its July 20, 1979 counsel's letter to USEPA that "Regardless, therefore, of whether the System is continuous means of emission control, EPA should permit the use of it in the interim;" and that nothing in the Clean Air Act nor case law prohibits the use of SCS on an interim basis. In support of its position Dow cites several cases decided prior to the 1977 Amendments. Congress was aware of those cases when it passed the 1977 Amendments and chose to narrow substantially the circumstances where dispersion techniques were permissible.

USEPA has stated that "apart from the limited circumstances of sections 113(d) and 119, and the narrow exceptions of Section 123, dispersion technology cannot be employed in lieu of constant controls for any purpose under the Act." See 1977 Clean Air Act Amendments for Stack Heights, Notice of Proposed Rulemaking 44 FR 2608, January 12, 1979. It is USEPA's position that Congress, in the 1977 Amendments to the Act, permitted interim use of a SCS only as part of a Section 113(d) delayed compliance order or a primary nonferrous smelter order under Section 119. Sections 113(d) and 119, 42 U.S.C. 7413(d), and 7419. American Lung in its comments agrees with USEPA's position.

3. Nonattainment Designation and Requirements of Part D of the Act

Dow maintains that the area in which its plant is located in Midland, Michigan, is an attainment area for NAAQS because of monitoring data recorded while Dow was using its SCS. USEPA has designated the area as a nonattainment area because Dow has failed to comply with its required emission limitations. Dow's reliance on SCS to avoid ambient standard violations is an impermissible way to attain national standards. See Sections 110(a)(2)(B), 123(a) and 302 (k) and (m).

American Lung's comments stressed disapproval of Dow's Order No. 01-1979 under Part D of the Act. USEPA agrees and has proposed disapproval of the Order for failure to meet Part D requirements in a Notice of Proposed Rulemaking published February 13, 1980 (45 FR 9752).

American Lung's comments, which pertain to the requirements of Part D, and other comments received in response to the proposed disapproval under Part D will be considered in USEPA's final rulemaking on that proposed disapproval.

4. Equitable Considerations

Dow stresses that USEPA's position is inequitable in that Dow is being penalized for its use of less than "Good Engineering Practice" stacks; that USEPA's disapproval will not result in any improvement in the public health and welfare in the public area; and that it would waste a critical national resource.

Dow's policy has been to rely on the possibility of purchasing process steam from a nuclear plant to be constructed by Consumers Power Company near Dow's Midland, Michigan industrial facilities. The nuclear facility was to have been operational by 1974-1975. When it became obvious that this operational date was not possible Dow sought to extend its compliance date for meeting the sulfur dioxide and particulate emission limits in the Michigan State Implementation Plan through Stipulation and Entry of Consent Orders with the MAPCC, which Consent Orders permitted Dow to attain and maintain NAAQS through the use of a SCS. These Consent Orders were not submitted to USEPA as SIP revisions. Dow has insisted on this approach even though it has been informed by both the MAPCC and USEPA that operation of a SCS in lieu of continuous emission controls was not an acceptable means of emission control.⁷

In the July 21, 1977 Consent Order, Dow agreed to achieve compliance by July 1, 1980 with the State emission limits for particulate matter, opacity, and sulfur dioxide. Compliance was to have been achieved through the use of compliance fuels. In this Order Dow did not make any claim that it was economically infeasible to achieve compliance by switching to compliance fuels in 1980. Instead of taking steps which would enable Dow to achieve final compliance by switching to compliance fuels in 1980, the Company negotiated further Consent Orders, the last of which extended the compliance

date to December 31, 1982. Instead of implementing its SCS, Dow could have chosen other means of compliance in the early 1970's when it became apparent that the start up of the nuclear plant was beyond Dow's control. Dow can still select other means of compliance which meet the requirements of the Clean Air Act, i.e., continuous emission reduction.

Dow claims that it is inequitable for USEPA to expect Dow to comply with the requirements of the Clean Air Act. The Act does not empower USEPA to consider equities in fulfilling its statutory mandate. The Act provides that USEPA is to approve a SIP revision if, among other things, it contains a demonstration that NAAQS, both primary and secondary, will be attained and maintained through emission limitations. Such a demonstration must be made by approved modeling or monitoring techniques which cannot be affected by any dispersion techniques as defined by Section 123 of the Act. The February 14, 1979, Consent Order submitted as a proposed SIP revision does not contain this demonstration. Because the proposed revision permits Dow to use a SCS to attain standards, rather than providing for immediate compliance with the emission limitations that Dow was required to meet in 1975, the revision does not satisfy the statutory requirements and cannot be approved by USEPA.

5. Health Effects From Use of Supplementary Control System as Compared to Continuous Emission Controls

Dow submitted various opinions from individuals concerning the health and welfare effects to be gained by requiring Dow to implement continuous emission controls as opposed to permitting Dow to continue to use its SCS to keep from violating the SO₂ NAAQS. Dow claims that "no significant health effects will be prevented by controlling DOW-Midland SO₂ emissions below the SCS level." Congress considered health and welfare effects in passing the Clean Air Act Amendments of 1970 and 1977. Congress determined that use of dispersion techniques may result in adverse health and welfare impacts hundreds of miles from a source and therefore required use of continuous emission reduction technology to attain the standards. See H.R. Rep. No. 95-294, 95th Cong. 1st. Sess. (1977) at 79-94. USEPA has no authority to override that congressional judgment.

The comments of American Lung Association of Michigan have been addressed in USEPA's response to Dow's comments with the exception of

⁷ 41 FR 7450, Stack Height Increase Guidelines issued February 18, 1976; Notice of Violation EPA-5-77-A-13 issued November 18, 1976 by James O. McDonald, Director of Enforcement, Region V, USEPA; Answer of MAPCC to Dow's Complaint filed in *Dow Chemical Co. v. Reizen, et al.*, Michigan Court of Appeals No. 77-4792, United States District Court, Western District of Michigan, Southern Division (December, 1977), and USEPA correspondence with Dow in 1977.

No. 4 which asserted that the proposed SIP revision does not provide for emission monitoring as required in Section 114(a) of the Act and in State regulations. Section 114(a)(1) of the Act provides the Administrator with discretionary authority to require a source to perform in-stack monitoring of emissions in order to assist in the determination of whether or not compliance is being achieved.

American Lung also cites Michigan rules which require in-stack monitoring as a condition for obtaining relief from sulfur emission limits beyond 1980. The discretionary authority found in Section 114(a)(1) is not applicable to this situation inasmuch as it does not establish criteria for SIP approval or disapproval. In addition, State requirements for extending compliance dates are a matter of State law and do not establish Federal requirements for the approval or disapproval of a SIP by USEPA.

USEPA has determined the proposed SIP revision, Consent Order No. 01-1979, dated February 13, 1979, lacks a demonstration that the primary and secondary National Ambient Air Quality Standards will be attained and maintained without use of a supplementary or intermittent control system, does not provide for continuous emission reduction, and does not contain emission limitations for sulfur dioxide and particulates.

Therefore, the revision is disapproved as not complying with the requirements of Sections 110(a)(2) and (3). (42 U.S.C. 7410(a)(2) and (3)).

Under Executive Order 12044 (43 FR 12661), USEPA is required to judge whether a regulation is "significant" and, therefore, subject to certain procedural requirements of the Order or whether it may follow other specialized development procedures. USEPA labels these other regulations as "specialized". I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This Final Rulemaking is issued under the authority of Section 110 of the Clean Air Act as amended. (42 U.S.C. 7410, *et seq.*)

Dated: March 18, 1980.

Douglas Costle,
Administrator.

(FR Doc. 80-8980 Filed 3-25-80; 8:45 am)

BILLING CODE 6560-01-M

40 CFR Part 52

[FRL 1446-4]

Proposed Revision to the Implementation Plan of the Commonwealth of Puerto Rico

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: The purpose of this notice is to discuss the results of the Environmental Protection Agency's (EPA's) review of revisions to the Implementation Plan of the Commonwealth of Puerto Rico, and to invite public comment on EPA's proposed determinations regarding the adequacy of these revisions. The 1977 Amendments to the Clean Air Act require that the State Implementation Plan (SIP) applicable to an area not in attainment of a national ambient air quality standard be revised by January 1, 1979 to provide for attainment of the standard. The revisions received from the Commonwealth of Puerto Rico are intended to meet this requirement. They pertain to the following pollutants and to the following areas:

(1) Catano Air Basin—Total suspended particulates (primary and secondary standards).

(2) Guayanilla Air Basin—Total suspended particulates (secondary standard).

DATES: Comments must be submitted by May 27, 1980.

ADDRESSES: Copies of the proposed SIP revisions are available during normal business hours for inspection at the following locations:

Environmental Protection Agency, Air Programs Branch, Region II, Room 908, 26 Federal Plaza, New York, New York 10007
Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460
Environmental Protection Agency, Caribbean Field Office, Fernandez Juncos Avenue, Stop 8½, Pta. De Tierro, San Juan, Puerto Rico 00902
Puerto Rico Environmental Quality Board, 204 Del Parque Street, corner of Pumarada, Santurce, Puerto Rico 00910

Written comments should be sent to: Charles S. Warren, Regional Administrator, Environmental Protection Agency—Region II, 26 Federal Plaza, New York, New York 10007

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency—Region II, 26 Federal Plaza, New York, New York 10007 (212) 264-2517

SUPPLEMENTAL INFORMATION:

A. Background

Pursuant to the requirements of Section 107(d) of the Clean Air Act, on January 25, 1979 the Environmental Protection Agency (EPA) published in the Federal Register at 44 FR 5119 a designation of the attainment status with respect to each national ambient air quality standard for every area within the Commonwealth of Puerto Rico. These designations represented revisions, corrections and elaborations to designations originally published in the March 3, 1978 issue of the Federal Register at 43 FR 8962. The reader is referred to the January 25, 1979 Federal Register for a detailed description of the geographic areas covered by today's proposed action.

Part D of the Clean Air Act requires that, for each area designated as not meeting a national ambient air quality standard, a State Implementation Plan (SIP) revision be developed by the State and submitted to EPA by January 1, 1979. The SIP revision must provide for attainment of the contravened standard as expeditiously as practicable but no later than December 31, 1982 or, for certain pollutants, no later than December 31, 1987. In the case of the pollutant covered by the Commonwealth's plan revisions, particulate matter, the earliest deadline applies. The required contents of such SIP revisions are described in Part D and, more generally, in Section 110(a) of the Clean Air Act. These requirements are further discussed and elaborated upon in the April 4, 1979 issue of the Federal Register at 44 FR 20372. The reader is referred to this Federal Register notice for a complete discussion of SIP revision requirements; these are not repeated in great detail in this notice. The reader is also referred to two supplements to this April 4, 1979 notice which were published in the Federal Register on July 2, 1979 at 44 FR 38583 and November 23, 1979 at 44 FR 67182. These notices discuss the concept of "conditional approval." EPA is proposing to conditionally approve the Commonwealth's plan where minor deficiencies have been found and the Commonwealth has provided assurance that it will submit corrections by specified deadlines. Today's notice solicits comment on the items proposed for conditional approval and on their associated deadlines. Comments on additional items which should be conditionally approved and on deadlines for correction are also solicited. Current restrictions on new Major source construction, discussed in two July 2, 1979 Federal Register notices (44 FR 38583 and 44 FR 38471), will not

apply where conditional approval is granted unless the Commonwealth fails to submit the necessary SIP revisions by the scheduled dates, or unless the revisions are not approved by EPA.

On June 29, 1979 the Governor of the Commonwealth of Puerto Rico formally adopted a SIP revision entitled, "Clean Air For Puerto Rico—1979." This document was intended to meet Clean Air Act requirements for certain areas of the Commonwealth designated as not meeting a national ambient air quality standard. A notice of availability of the adopted revision was published on August 3, 1979 in the *Federal Register* at 44 FR 45647. This revision was subsequently reviewed by EPA and discussed with the Puerto Rico Environmental Quality Board (EQB). As a result of these discussions, several changes to the June 29 SIP revision have been proposed by EQB and a public hearing on these changes was held on November 14, 1979. A proposed revision including these changes was submitted to EPA by letter of transmittal dated October 30, 1979 and is the subject of this proposed rulemaking. Applicable material which is part of this SIP revision was submitted by the Commonwealth on October 30, 1979 in a letter from Mr. Pedro Gelabert, President of the Puerto Rico Environmental Quality Board to Dr. Richard T. Dewling, Acting Regional Administrator, USEPA Region II, and contained the following:

A copy of revised regulations and a revised SIP document which were the subject of a public hearing held on November 14, 1979.

Policy statements of EQB with regard to: Their objective to attain both the primary and secondary total suspended particulate air quality standards by December 31, 1982, assurances with regard to meeting the requirements of reasonable further progress, verification of the detail of their annual reporting effort, clarification of the operation of their offset program and correction of related inventory and graphical presentations.

In summary, attainment of the primary and secondary particulate matter standards is demonstrated in the revision document submitted by the Commonwealth as a result of expected emission reductions due to:

New regulations for the control of emissions from agricultural burning, asphalt dryers, open burning, non-process industrial sources, and a program to offset emissions from new major source growth.

Continued enforcement of existing Commonwealth rules and regulations.

The remainder of this notice describes the content of the proposed SIP revision

with respect to each of the major criteria used by EPA to evaluate approvability. The deficiencies found by EPA and the corrective actions which should be undertaken by the Commonwealth in order to make the revisions fully approvable are also discussed.

B. Part D Requirements

(1) *SIP revisions shall be adopted by the State after reasonable notice and public hearing.*

The proposed SIP revision was the subject of a public hearing held in San Juan, on November 14, 1979, after at least 30 days of notice. The Commonwealth has provided documentation to identify that the necessary notice and public hearing were carried out in such a manner as to be found acceptable to EPA.

(2) *The SIP revisions shall demonstrate that both primary and secondary total suspended particulate matter national ambient air quality standards (NAAQS) will be attained within the nonattainment area no later than the following final deadlines:*

Primary NAAQS, December 31, 1982.

Secondary NAAQS, within a reasonable time.

• *Catano Air Basin*—The Commonwealth demonstrates that the area designated as not meeting the primary and secondary standards (44 FR 5126, January 25, 1979) will be in attainment by 1982. The demonstration was based on diffusion modeling analysis and is found acceptable by EPA.

• *Guayanilla Air Basin*—The Commonwealth demonstrates that the area designated as not meeting secondary standard (44 FR 5126, January 25, 1979) will be in attainment by 1982. The demonstration was based on diffusion modeling analysis and is found acceptable by EPA.

As part of the SIP revision, the Commonwealth has proposed in its "Regulation for the Control of Atmospheric Pollution" procedures and emission control strategies which provide for attainment of NAAQS by 1982. While EPA finds that the Commonwealth's demonstration is acceptable in this regard, it is noted that these regulations are yet to be adopted. On this basis, EPA proposes to condition its approval of the Commonwealth's plan revision. As discussed more fully in Subsection B(10) of this notice, EPA has been requested by the Commonwealth to propose action on these regulations in their current status as submitted to EPA on October 30, 1979. Provided that the finally adopted regulations do not substantively differ from the proposed

regulations submitted at this time, EPA will not propose action or solicit further public comment prior to final rulemaking.

(3) *The SIP revision shall require reasonable further progress in the period before attainment, including regular consistent reductions sufficient to assure attainment of the total suspended particulate NAAQS by the required date.*

The Commonwealth has presented tables and graphs depicting the change in emissions which will occur over time as the plan is implemented. These "reasonable further progress" charts identify the results of carrying out the categorical strategies for control of emissions to provide for attainment of primary and secondary standards by 1982. In its supplementary submittal of October 30, 1979, EQB provided a policy statement which summarizes its policy with regard to reasonable further progress; they " * * * intend to pursue the meeting of the requirements for reasonable further progress including consistent reductions which are sufficient to assure attainment of the NAAQS for total suspended particulate by the required deadlines." In addition, EQB has provided new "reasonable further progress" charts in its revised submittal of October 30, 1979. The new charts provide a clear indication of the intention to meet primary and secondary particulate standards. EPA finds this demonstration to be acceptable.

(4) *The SIP revision shall provide for implementation of all reasonably available control measures as expeditiously as practicable insofar as necessary to assure reasonable further progress and attainment of total suspended particulate NAAQS by the required date.*

Attainment of the primary and secondary standards is demonstrated as a result of continued enforcement of existing Commonwealth rules and regulations and the proposed adoption of new and revised regulations. The regulations are considered by EPA to be reflective of reasonably available control measures.

The submitted regulations provide for new and revised provisions to cover agricultural burning, open burning, asphalt dryers and non-process industrial sources:

Agricultural Burning—Rule 208, "Agricultural Burning Authorized," is a new regulation directed at controlling open burning of sugar cane, pineapple prunings, and rice hulls via a permitting system to be implemented by the Environmental Quality Board.

Open Burning—Rule 402, "Open Burning," is a revised regulation which prohibits open burning.

Asphalt Dryers—Rule 408, "Asphaltic Concrete Batching Plants," is a new regulation which provides a specific emission limitation for asphaltic concrete batching plants. Previously, this source category was regulated through enforcement of general visible emission standards and emission standards for "non-process" sources.

Non-Process Industrial Sources—Rule 409, "Non-Process Sources," is a revised regulation providing a more restrictive (99 percent) emissions control requirement on sources from which emissions are not "the result of a manufacturing process that produces a chemical change in any of the materials or substances used in that process."

It is found that these regulations adequately represent the control strategies that were utilized in the air quality dispersion analysis demonstration identified in Subsection B(2) of this notice. However, there is one change that EPA considers to be necessary in order to make these regulations approvable:

• Under Part I, Rule 102, "Definitions," the definition of "Air Pollution Control Equipment" is modified by the phrase "according to the Board." EPA believes that this phrase may preclude EPA from enforcing certain provisions of the Commonwealth's regulations. This is because legal as well as technical issues can arise concerning the definition of what constitutes "air pollution control equipment," as differentiated from other equipment and, consequently, EPA could be impeded in enforcement actions where it is interpreted that the resolution is only to be made by the Environmental Quality Board. Since EPA must retain independent enforcement jurisdiction, the phrase "according to the Board" must be removed or reworded to eliminate this problem. Therefore, EPA proposes to condition its approval of the Commonwealth's SIP revision on the adoption by April 1, 1980 of an acceptable revision to the definition of the term, "air pollution control equipment."

In addition, for the sake of clarity, the following change should be made:

• Under the same rule, the definition of "Modification" contains a statement that "the Board may allow up to 180 days for shakeup of the new emission unit * * *". The word "shakeup" is incorrectly used and should be replaced with "shakedown," which is proper with regard to the operation that is referenced.

(5) *The SIP revisions shall include an accurate, current inventory of total suspended particulate matter emission that have an impact on the nonattainment area, and provide for annual updates to indicate emissions growth and progress in reducing emissions from existing sources.*

The emissions inventory data contained in the Commonwealth's plan revision document provides the necessary breakdown to depict the impact of implementing the various control strategies. EPA finds the total suspended particulate inventories contained in the plan to be acceptable.

In the SIP revision document the Commonwealth has agreed to provide various reports with regard to air quality monitoring, major source emissions, plan enforcement, new SIP revisions, enforcement orders and certain plan-prescribed actions. In its October 30, 1979 letter, EQB has identified that its annual reports to EPA will also identify: (1) The changes in emissions as required to track reasonable further progress, (2) progress in updating emission inventories and (3) the results of ongoing air quality studies related to the plan. EPA finds that the Commonwealth's commitment with regard to Annual Reporting to be acceptable.

(6) *The SIP revision shall expressly quantify the emissions growth allowance, if any, that will be allowed to result from new major sources of major modifications of existing sources, which may not be so large as to jeopardize reasonable further progress toward attainment by the required date. The SIP revision shall require preconstruction review permits for new major sources and major modifications of existing sources, to be issued in accordance with Section 173 of the Act.*

In order to assure that emission increases from new stationary sources or modifications of existing stationary sources will not exceed the requirements for reasonable further progress, the Commonwealth has submitted procedures providing for "offsetting" of emissions from major sources or major modifications and has identified a commitment to track all minor and area source emission changes. The emission "offsets" will be required in accordance with a currently proposed Commonwealth regulation, Rule 201, "Location Approval."

This regulation requires new major sources and major modifications located in or significantly impacting a nonattainment area to offset new emissions by providing reductions of existing sources beyond those available from control strategies in the SIP. Also, Section 173 of the Clean Air Act

mandates that such new sources be required to meet the "lowest achievable emissions rate" (LAER) and that all other major sources, owned or operated by the same "person" and located in the Commonwealth, be required to be in compliance or meeting the requirements of an approved compliance schedule. The proposed regulation satisfies these requirements.

The Commonwealth has indicated that the "offsetting" of emissions from major sources and major modifications and the tracking of all minor and area source emission changes will be implemented. For total suspended particulates, the Commonwealth will offset all major source emission growth; minor source and area source emission growth will be tracked against the annual emissions accommodated for in the reasonable further progress demonstrations discussed under Subsection B(3) of this notice. If minor and area source growth exceeds these annual emission allowances, the Commonwealth will require new major sources and major modifications to obtain emission reductions not already relied upon in the plan so as to provide for reasonable further progress toward attainment of standards. EQB provides further identification of its emission offset policy in its October 30, 1979 letter.

It should be noted that the proposed Rule 201, "Location Approval" has not been legally adopted by the Commonwealth as yet. On this basis, EPA proposes to condition its approval of the plan revision. As discussed more fully in Subsection B(10) of this notice, EPA has been requested by the Commonwealth to propose action on Rule 201, "Location Approval," in its current status. Provided that the finally adopted regulation does not substantively differ from the proposed regulation submitted at this time, EPA will not propose action or solicit further public comment prior to final rulemaking.

EPA also finds that the Commonwealth SIP does not provide a commitment to submit external offsets as SIP revisions. Continued satisfaction of the requirements of Part D is contingent on such submittals. Therefore, EPA proposes to condition its approval of the plan on such a commitment being submitted to EPA by April 1, 1980.

(7) *The SIP revisions shall provide identification and commitment of the necessary resources to carry out the Part D provisions of the plan.*

These requirements were adequately addressed by the Commonwealth. In its SIP revision, the Commonwealth of Puerto Rico has presented the necessary

identification of and commitment to the financial and manpower resources needed to carry out its plan and the plan's associated future studies.

(8) *The SIP revisions shall provide evidence of public, local government, and state legislative involvement and consultation.*

Public Participation and Consultation—In the SIP revision, reference is made to the fact that the affected public, as well as the interested public, were informed and asked for recommendations concerning pollution control activities. Legal advertisements, public hearings and responsiveness summaries have been identified as the three public information mechanisms used to inform and involve the public. Specific reference is also made regarding the public information mechanisms to be implemented with respect to application for new source construction.

Intergovernmental Consultation—The public participation section of the Puerto Rico SIP revision mention "a new aspect in public participation which requires the involvement of selected officials through intergovernmental consultation." However, the actual participation by elected officials appears to have been minimal. The extent of participation by elected officials, such as the mayors from nonattainment areas or the chairmen of the key environmental committees of the Puerto Rico legislature, throughout the SIP planning process is unclear. Mentioned in the plan were four meetings held with elected officials and routine mailings of public notices and hearings to the mayors.

Based on its review, EPA has determined that the participation and consultation element of the SIP, though minimally acceptable, could have been better. However, the Commonwealth is committed to institute improvements in these areas. EPA intends to monitor the Commonwealth progress in this regard.

(9) *The SIP revisions shall provide an identification and brief analysis of the air quality, health, welfare, economic, energy, and social effects of the plan provisions chosen and the alternatives considered and a summary of the public comments on the analysis.*

EPA finds that the Commonwealth has satisfactorily addressed the above criteria. In the SIP revision, Puerto Rico has discussed the effects of proposed regulations on public health and welfare in the Catano and Guayanilla air basins, and the economic and energy impact of proposed control strategies for Puerto Rico.

(10) *The SIP revisions shall provide written evidence that the State and*

other governmental bodies have adopted the necessary requirements in legally enforceable form, and are committed to implement and enforce the appropriate elements of the SIP.

As discussed in Sections B(2) and B(6) of this notice, the Commonwealth has submitted proposed regulations as part of its SIP revision and has requested that EPA review and present comments on them in their present unadopted status. Since the proposed regulations have not been adopted as of yet, presently they are not legally enforceable.

Under Commonwealth administrative procedures, the proposed SIP revision has been subject to public hearing. Following completion of the public response period, the Environmental Quality Board will receive the hearing examiner's report. The Board will then take final action by virtue of the authority bestowed on EQB by the Commonwealth's Environmental Policy Act (Law No 9, June 18, 1970). This action will be followed by filing with the Secretary of State of Puerto Rico. The SIP revision becomes effective 30 days after this filing. As a result of these adoption procedures, the proposed SIP revisions should, according to Commonwealth estimates, be effective on or about April 1, 1980.

The Commonwealth has indicated that they do not anticipate that further revisions will occur during the time period leading to adoption. If the finally adopted SIP revision is not substantively different from that which was subject to public hearing, EPA will not repropose action on it or provide for further public comment prior to final rulemaking. It should be noted that EPA will not consider steps by the Commonwealth to correct those regulatory deficiencies discussed in Section B(4) of this notice as "substantive changes." Consequently, EPA urges interested members of the public to review the proposed SIP revision in light of Clean Air Act requirements and to submit comments during the comment period established by this notice. EPA currently is proposing to find this element of the Commonwealth's SIP revisions acceptable on the condition that substantively unchanged regulations are made effective and submitted to EPA by April 1, 1980.

C. Unfulfilled Requirements

The following summary identifies plan improvement actions which EPA found to be necessary for full, unconditioned approval of the Commonwealth of

Puerto Rico's plan revision. These proposed conditions of approval are discussed in Section B of this Federal Register notice entitled, "Part D Requirements." The appropriate subsection is referenced after each proposed condition.

(1) On or before April 1, 1980 the Commonwealth must submit to EPA an acceptable revision to its regulatory definition of the terms, "air pollution control equipment," as found in Rule 102, "Definitions." The phrase, "according to the Board," should be deleted or reworded so as to give EPA enforcement authority (Section B(4)).

(2) On or before April 1, 1980, the Commonwealth must submit to EPA a commitment to submit external offsets as SIP revisions (Section(b)(6)).

(3) On or before April 1, 1980, the Commonwealth must certify to EPA that its "Regulation for the Control of Atmospheric Pollution" has been adopted and is legally enforceable. EPA acceptance of this certification will be based on a determination that the air pollution control requirements contained therein have not been substantively changed from those submitted as a part of the plan revision. Correction of regulatory or other deficiencies discussed in this action shall not be considered "substantive changes." A copy of the adopted regulation must be submitted along with the Commonwealth's certification (Subsection B(10)).

D. Public Comment

Interested persons are invited to comment on any element of the subject revisions and on whether or not the proposed Commonwealth of Puerto Rico Implementation Plan revision meets Clean Air Act requirements. Comments received by (60 day following publication) will be considered in EPA's final decision. All comments received will be available for inspection at the Region II office of EPA at 26 Federal Plaza, Room 908, New York, New York 10007.

This notice of proposed rulemaking is issued under the authority of Sections 110, 172 and 301 of the Clean Air Act, as amended.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA has reviewed this package and determined that it is a specialized regulation not

subject to the procedural requirements of Executive Order 12044.

(Sec. 110, 172, 301, Clean Air Act, as amended (42 U.S.C. 7410, 7502, and 7601)).

Dated: February 23, 1980.

Charles S. Warren,
Regional Administrator, Environmental
Protection Agency.

[FR Doc. 80-9131 Filed 3/22/80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80-106; RM 3327]

FM Broadcast Station in Livingston, Mont.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications
Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes to substitute Class C FM Channel 248 for Channel 249A at Livingston, Montana; modify the license of the station currently operating on Channel 249A to specify Channel 248; and delete Channel 249A to avoid short-spacing and intermixture. A first and second FM and second nighttime aural services would be provided.

DATES: Comments must be filed on or before May 12, 1980, and reply comments must be filed on or before June 2, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: March 11, 1980.

Released: March 18, 1980.

By the Chief, Policy and Rules
Division:

1. *Petitioner, Proposal, Comments:*
(a) A petition for rule making¹ was filed on behalf of Yellowstone Broadcasting Services, Inc. ("petitioner"), licensee of FM Station KYBS (Channel 249A), Livingston, Montana, proposing the substitution of Class C Channel 248 for Channel 249A, on which it operates, at Livingston, Montana. Petitioner submitted numerous letters in support of the Class C assignment from citizens in the area. No oppositions to the petition have been received.

2. Community Data:

(a) *Location:* Livingston, seat of Park County, is located approximately 153 kilometers (96 miles) southeast of Butte, Montana.

(b) *Population:* Livingston—6,883;² Park County—11,197.

(c) *Local Broadcast Service:* Livingston is served locally by daytime-only AM Station KPRK and FM Station KYBS, Channel 249A.

3. *Economic Data:* Petitioner states that the economy of Livingston is based on ranching, farming, tourism, and lumber and milling. In support of its petition, it has submitted information with respect to Livingston in order to demonstrate its need for a Class C assignment.

4. *Preclusion Study:* Assuming Channel 249A is deleted from Livingston, the proposed Class C channel would cause preclusion to twelve communities with populations greater than 1,000. Of these, six have no AM stations or FM assignments.³ Petitioner states that an alternate channel is available for assignment to Harlow (pop. 1,375) but does not indicate whether alternate channels are available for the remaining five communities. It is requested that it do so in its comments to this Notice.

5. *Additional Considerations:* Petitioner claims that the proposed Class C station would provide the following service: 4 first FM service to 9,868 persons in a 3,470 square kilometer (1,356 square miles) area; a second FM service to 4,352 persons in a 2,143 square kilometer (837 square miles) area; and a second nighttime aural service to 9,581 persons in a 1,560 square kilometer (610 square miles) area. Staff studies indicate that the use of *Roanoke Rapids* criteria changes the above population figures to approximately 500 (first FM service), 9000 (second FM service) and 3000 (second nighttime service).

6. Petitioner asserts that the substitution of Channel 248 for Channel 249A at Livingston would permit Station KYBS to provide a needed service to many people who do not now receive any local service, particularly in the early morning or evening hours.

7. In view of the additional and substantial first and second FM and second nighttime aural services that could be provided by the proposed Class C channel, we feel that consideration of the proposal described above is

² Population figures are taken from the 1970 U.S. Census.

³ Montana: Big Timber (1,592) (Channel 248); Harlow (1,375) (Channels 248, 249); Fort Benton (1,863) (Channel 248); Three Forks (1,188) (Channel 249A); White Sulphur Springs (1,200) (Channel 249A); and Townsend (1,371) (Channel 249A).

⁴ According to petitioner, these area and population figures have been reached assuming Channel 249A is deleted from Livingston and Station KBZN in Bozeman, for which there is a construction permit issued, is to operate at 100 kW, 221 feet HAAT.

warranted. We are also proposing the deletion of Channel 249A from Livingston to avoid short-spacing and intermixture.

8. Regarding modification of petitioner's license to Channel 248, if assigned, our policy, as expressed in *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976), is that the public interest is best served where interested parties are afforded an equal opportunity to apply for such a Class C channel newly assigned to a community. However, since no party has expressed an interest in the proposed assignment of Channel 279 to Livingston thus far, we are proposing to modify the license of Station KYBS to the Class C channel. Should an opposition to the proposed modification together with a proper expression of interest be submitted in comments, appropriate comparative consideration must be afforded.

9. An *Order to Show Cause* to the petitioner will not be necessary since assent of the licensee of the station whose authorization is to be modified is clearly indicated by its request for rule making.

10. Since Livingston is located within 402 kilometers (250 miles) of the U.S.-Canada border, the proposed assignment of Channel 248 to Livingston requires coordination with the Canadian Government.

11. In view of the above, the Commission proposes to amend the FM Table of Assignments (Section 73.202(b) of the Commission's Rules) with regard to the city listed below as follows:

City	Channel No.	
	Present	Proposed
Livingston, Mont.....	249A	248

12. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. **NOTE:** A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

13. Interested parties may file comments on or before May 12, 1980, and reply comments on or before June 2, 1980.

14. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are

¹ Public Notice of the petition was given on March 2, 1979, Report No. 1166.

prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,
Chief, Policy and Rules Division, Broadcast
Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other

appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 80-9093 Filed 3-25-80; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-105; RM-3319]

FM Broadcast Station in Cobleskill, N.Y.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes the assignment of a first FM channel to Cobleskill, New York, in response to a petition filed by John C. Chaney. The proposed assignment could provide first and second FM and second nighttime aural services.

DATES: Comments must be filed on or before May 12, 1980, and reply comments must be filed on or before June 2, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Molly Pauker, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: March 11, 1980.

Released: March 18, 1980.

By the Chief, Policy and Rules Division:

1. Petitioner, Proposal, Comments:

(a) A petition for rulemaking¹ was filed by John C. Clancy ("petitioner"),

¹ Public Notice of the petition was given on February 16, 1979, Rept. No. 1164.

proposing the assignment of Class B FM Channel 278 to Cobleskill, New York, as that community's first aural service.²

(b) Channel 278 can be assigned to Cobleskill in conformity with the minimum distance separation requirements, if the transmitter is located 28 kilometers (17.6 miles) north of the community. Canadian concurrence must be obtained since Cobleskill is located within 402 kilometers (250 miles) of the U.S.-Canada border.

(c) Petitioner states that he will apply for the channel, if assigned. No other comments have been received.

2. Community Data:

(a) *Location:* Cobleskill is located in Schoharie County, approximately 56 kilometers (35 miles) west of Albany.

(b) *Population:* Cobleskill—4,368;³ Schoharie County—24,750.

(c) *Present Local Aural Broadcast Service:* None.

(d) *Economic Data:* Petitioner states that Cobleskill's population has increased by 21.2% in the 1970's and that Schoharie is New York's second fastest growing county. He further states that Cobleskill is located in the northern, urbanized area of the county which is otherwise primarily rural and sparsely populated. County industry includes dairy farming, excavation, tourism and light manufacturing. Cobleskill is the location of several major employers in the millwork, dairy and quarrying industries. Petitioner has presented sufficient economic data to warrant our consideration of assignment of an FM channel to Cobleskill to provide a needed first local aural service.

3. Petitioner argues that a Class B assignment is justified at Cobleskill because Channel 278 is the only channel of all Class A and B commercial FM channels that would comply with the minimum distance separation requirements while supplying the required city-grade signal over the entire community of Cobleskill. In its *Roanoke Rapids/Anamosa* study, petitioner shows that a Class B station operating with 50 kW of power at an antenna height of 152 meters (500 feet) would provide first FM and second nighttime aural service to 2,032 persons in a 513

² In response to a request from the Broadcast Bureau, petitioner submitted additional information purporting to show that the assignment of a Class B channel to Cobleskill would be in the public interest. This data is considered herein.

³ Population figures are taken from the 1970 U.S. Census.

square kilometer (198 square miles) area and a second FM service to a population of 9,903 in a 855 square kilometer (330 square miles) area. Petitioner further points out that Class B assignments have been made to smaller communities, such as in *Burlington, Colorado*, 43 FR 4613, 42 RR 2d 231 (1978).⁴

4. *Preclusion Studies.* Preclusion would occur on Channels 276A, 278, and 280A. No communities of over 1,000 population are located in the newly precluded areas.

5. Based on our examination of petitioner's proposal, there appears to be a basis for considering an exception to our general policy of assigning Class B channels to larger communities. The proposed assignment of an FM channel to this small community could provide first and second FM and second nighttime aural service.

6. In view of the apparent need for a first local aural broadcast service in Cobleskill and the first and second services which could be provided, the Commission proposes to amend the FM Table of Assignments (Section 73.202(b) of the Commission's Rules) as it relates to Cobleskill, New York, as follows:

City	Channel No.	
	Present	Proposed
Cobleskill, N.Y.		276

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before May 12, 1980, and reply comments on or before June 2, 1980.

9. For further information concerning this proceeding, contact Molly Pauker, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making

other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments reply

comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 80-9094 Filed 3-25-80; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-107; RM-3309]

FM Broadcast Station in Milbank, S. Dak.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes the assignment of a first FM channel to Milbank, South Dakota, in response to a petition filed by Sturgis Radio, Inc. The proposed assignment could provide first FM service to a significant number of persons.

DATES: Comments must be filed on or before May 12, 1980 and reply comments must be filed on or before June 2, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Molly Pauker, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: March 11, 1980.

Released: March 18, 1980.

By the Chief, Policy and Rules Division:

1. *Petitioner, Proposal, Comments:*

(a) A petition for rule making¹ was filed by Sturgis Radio, Inc. ("petitioner"), requesting the assignment of Class C FM Channel 282 to Milbank, South Dakota, as that community's first FM assignment.

(b) Channel 282 can be assigned to Milbank in conformity with the minimum distance separation requirements.

(c) In comments, petitioner states that it will apply for the channel, if assigned. No other pleadings were filed. We have received a letter in support.

2. Community Data:

(a) *Location:* Milbank, seat of Grant County, is located near the South Dakota-Minnesota border, approximately 264 kilometers (165 miles) west of Minneapolis, Minnesota.

¹Public Notice of the petition was given on January 30, 1979, Report No. 1162.

⁴Petitioner also cites *Summersville, West Virginia*, Dkt. 21037, 42 FR 24272, 40 RR 2d 929 (1977), and *Hobart, Oklahoma*, Dkt. 20900, 42 FR 30371, 40 RR 2d 231 (1977).

(b) *Population:* Milbank—3,727;² Grant County—9,005.

(c) *Local Aural Broadcast Service:* Milbank is served by daytime-only AM Station KMSD, 1510 kHz.

3. *Economic Considerations:* Petitioner states that Milbank, seat of Grant County, is in the center of the Whetstone Valley, one of South Dakota's largest dairy areas. Its principal industries are farming, manufacturing, quarrying and meat processing. The proposed station would serve Grant County and the adjacent counties of Roberts, South Dakota, Big Stone, Minnesota, and Lac Qui Parle, Minnesota, which are said to be primarily rural with identical demographics. The closest FM service operates from Watertown, South Dakota, 45 miles distant. In its *Roanoke Rapids* showing, petitioner indicates that a Class C station operating with 75 kW power at an antenna height of 152.5 meters (500 feet) would provide a first FM service to 18,906 persons in a 5,314 square kilometer (2,076 square miles) area and a second FM service to 24,777 persons in a 2,979 square kilometer (1,164 square miles) area.

4. *Preclusion Studies.* Twenty-nine communities of over 1,000 population are located in one or more of the newly precluded areas. Of these, 20 have no local aural service, as follows:

Community	Population	Channels precluded
Canby, Minn.	2,081	280A
Minnetonka, Minn.	1,320	280A
Appleton, Minn.	1,789	280A
Madison, Minn.	2,242	280A
Dawson, Minn.	1,699	280A
Ashley, N. Dak.	1,236	281, 282, 283
Ellendale, N. Dak.	1,517	281, 282, 283
Lidgerwood, N. Dak.	1,000	281
Hankinson, N. Dak.	1,125	281
Lisbon, N. Dak.	2,090	281
Wishek, N. Dak.	1,275	282
Eureka, S. Dak.	1,547	282
Gettysburg, S. Dak.	1,915	282
Britton, S. Dak.	1,465	281, 282
Sisseton, S. Dak.	3,094	281
Groton, S. Dak.	1,021	281, 282
Ipswich, S. Dak.	1,187	281, 282, 283
Clark, S. Dak.	1,356	279, 280A
Webster, S. Dak.	2,252	279, 280A, 282, 285A
Clear Lake, S. Dak.	1,157	280A

Petitioner states that alternate channels (224A, 237A, 249A, 252A, 257A and 289A) are available for assignment within the precluded areas.

5. Based on an examination of petitioner's proposal, there appears to be a basis for considering an exception

to our general policy of assigning Class C channels only to a large community. The proposed assignment of a first FM channel to this small isolated community could provide for substantial first and second FM broadcast services to people residing in sparsely populated areas. The extent of these services, particularly first FM service, would be significantly less, if a Class A channel were assigned.

6. Accordingly, the Commission proposes to amend the FM Table of Assignments (Section 73.202(b) of the Commission's Rules) as it relates to Milbank, South Dakota, as follows:

City	Channel No.	
	Present	Proposed
Milbank, S. Dak.		282

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before May 12, 1980, and reply comments on or before June 2, 1980.

9. For further information concerning this proceeding, contact Molly Pauker, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.
Henry L. Baumann,
Chief, Policy and Rules Division Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 80-9092 Filed 3-25-80; 8:45 am]

BILLING CODE 6712-01-M

²Population figures are taken from the 1970 U.S. Census.

47 CFR Part 76

[Docket No. 21006; FCC 80-126]

Adding Frequency Channeling Requirements and Restrictions and Requiring Monitoring for Signal Leakage From Cable Television Systems**AGENCY:** Federal Communications Commission.**ACTION:** Notice of proposed rulemaking.

SUMMARY: On August 8, 1977 the FCC issued its First Report and Order adopting an interim set of rules designed to prevent cable signal leakage from interfering with aeronautical services and left open the question of frequency channeling plans. Subsequently, the Commission appointed an Advisory Committee to do a study and make recommendations on cable signal leakage. The final report was presented to the Commission and released January 24, 1980. The Notice of Proposed Rulemaking proposes to adopt a new set of rules based generally on the Advisory Committee's recommendations. The frequency channelization plan is postponed until permanent rules are adopted.

DATES: Comments must be received on or before April 25, 1980 and Reply Comments must be received on or before May 12, 1980.

ADDRESSES: Federal Communications Commission Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Clifford H. Paul, Cable Television Bureau (202) 254-3420.

Adopted: March 12, 1980.

Released: March 24, 1980. (See 42 FR 41284)

By the Commission: Commissioner Lee absent.

I. Scope of Proceeding

1. In the original Notice of Proposed Rulemaking in this Docket (61 FCC 2d 1022 (1976)), the Commission addressed two questions: (1) How can it be assured that cable television systems operating on frequencies used by air navigation and aeronautical and marine emergency radio services do not cause harmful interference to those safety of life services, and (2) What frequency channeling plan or plans should be used by cable television systems for equipment compatibility, for prevention of interference to over-the-air services, and for other purposes? By its first Report and Order in this Docket (65 FCC 2d 813 (1977)), this Commission adopted a set of Rules designed to prevent interference to aeronautical radio services, and closed that part of the Docket relating to the first of two

questions addressed. The Docket was left open insofar as it concerned frequency channeling plans for cable television systems. It was recognized that the rules adopted in 1977 were only an interim solution (*ibid.* at paragraph 54), and that a research program was needed to obtain " * * * more information about propagation mechanisms, enforcement and maintenance procedures, and monitoring techniques * * * " than was available at that time. The Commission expressed its intent to begin, in cooperation with all interested parties, such a research program.

2. Subsequently, the Commission did appoint an Advisory Committee on Cable Signal Leakage and partially funded a research program in this area. The Advisory Committee provided suggestions and guidance throughout the research program, examined the results of the research, drew technical conclusions, and recommended a new regulatory approach to preventing interference based on those conclusions.¹ Other active participants in the research program included the Federal Aviation Administration, the National Cable Television Association, the National Telecommunications and Information Administration, and individual members and observers of the Advisory Committee.

3. In this Further Notice of Proposed Rulemaking we propose to adopt a new set of Rules to prevent cable television interference to aeronautical radio services.² We propose that the new rules should generally reflect the recommendations of the Advisory Committee on Cable Signal Leakage, with some clarifications, modifications, and additions. We again postpone consideration of a standard frequency channeling plan for cable television systems until permanent rules for use of aeronautical radio frequencies have been adopted by the Rulemaking process we are initiating today.

II. The Research Program

4. The primary objective of the research program was to determine the

¹ Report of the FCC Advisory Committee on Cable Signal Leakage, presented to the Commission and released on January 24, 1980. This report is available as item number PB80 119605 from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, Telephone 703/557-4650.

² Results of the research project indicate that the primary potential for interference exists in the airspace in the immediate vicinity of the cable system. Therefore the potential for interference to maritime radio services seems quite low. We do, however, intend to retain a prohibition against cable signals within 45 kHz of the maritime emergency frequency 156.8 MHz, if the signals have maximum peak power greater than 10^{-4} watts.

relationship between cable television system signal leakage as measured at ground level and the probability of interference to aeronautical radio services. Measurements of electromagnetic fields due to leakage of cable television signals were made at ground level and in the airspace above the cable system. Several different methods of measurement and analysis were used, both on the ground and in the air. It was found by the Advisory Committee that acceptable correlation can be obtained between certain ground based measurements and certain airspace measurements, which in turn can be related to the probability of interference to aeronautical radio services. Therefore, it is possible to control airspace interference on the basis of ground based measurements which can feasibly be made by cable operators or enforcement personnel. We refer to the Report of the Advisory Committee for details of those measurements and the correlations between them (*op. cit.*). The technical conclusions reached by the Advisory Committee are summarized in the Appendix B of this Notice of Proposed Rulemaking.

5. The existing rules for prevention of interference to aeronautical radio prohibit the use by cable systems of visual or aural carrier frequencies near those used by aeronautical radio services in the vicinity of the cable system. While these regulations will indeed prevent interference if followed rigorously, implementation of these regulations is a significant burden on cable operations as well as staff of the Commission, the Federal Aviation Administration, and the Department of Defense. Furthermore, these regulations unnecessarily hinder the full utilization of the potential offered by cable television technology. Based on the technical conclusions of the research program, the Advisory Committee recommends a different regulatory approach.

6. The Committee concludes that the relationship between ground measurements of signal leakage and the probability of interference in the airspace is now sufficiently well understood that it is possible to determine with high reliability whether a given cable system is sufficiently free of leakage that airspace interference will not occur. Furthermore, the results of the research program indicate that most modern cable systems, which generally are built with due regard for system integrity, do not exhibit excessive signal leakage. This is an important conclusion—prevention of

interference would probably be a hopeless task if every cable system operator had to make extraordinary effort beyond normal construction and maintenance procedures in order to maintain adequate system integrity.

7. Given these conclusions, the Advisory Committee suggests that the Commission adopt quantitative criteria, detailed by the Committee, for differentiating acceptable and unacceptable levels of cable signal leakage. Then cable systems which meet the stated criteria may be permitted to use any desired frequency within the aeronautical radio communications frequency bands.³

III. Proposed Rules

8. We hereby propose to adopt a new set of rules for prevention of airspace interference due to cable signal leakage, based essentially on the proposals of the Advisory Committee. We do, however, invite comments from the public on each and every point of the program recommended by the Committee, as well as on additional points which we specify below. To clarify aspects upon which we would especially like to invite comments, we address now each of the items in the Committee's recommended program. The numbered paragraphs below are recommendations of the Advisory Committee. Each recommendation is followed by our comment on the recommendation, or requests for specific public comments. Appendix A to this Notice includes definitions of unfamiliar terms used in these recommendations.

(1) In the aeronautical communications frequency bands, adopt signal leakage performance criteria for cable television systems. Allow use of any frequencies in those bands by any cable system showing that those criteria are met. (Exceptions may be appropriate near aeronautical emergency frequencies 121.5 and 243.0 MHz and the marine emergency frequency 156.8 MHz.)

Our present regulations require cable systems to avoid frequencies used by aeronautical communications services near the cable system, regardless of the actual leakage integrity of the cable plant. Implementation of this approach imposes significant burdens upon the cable system, staff of the Commission, the Federal Aviation Administration, and the Department of Defense. More

importantly, our present rules may impair or prevent services to the public, particularly as the channel capacity of cable systems becomes more fully occupied with new services. These difficulties can be avoided in cases where cable signal leakage is so low that no harmful interference will occur.

We propose to retain prohibitions against cable system use of frequencies near the aeronautical frequencies 121.5 and 243.0 MHz and near the marine emergency frequency 156.8 MHz. However, we propose to modify our present rules as follows: (1) The power level above which the prohibitions becomes effective will be changed from the present 10^{-5} watts to 10^{-4} watts; and (2) consistent with our separation requirements for other aeronautical services, the frequency bands from which cable signals will be excluded will be 121.5 $\pm$ 0.095 MHz, 156.8 $\pm$ 0.045 MHz, and 243.0 $\pm$ 0.045 MHz. (See paragraph 9 of this Notice.) Thus, the nominal frequency of a cable signal or signal component greater than 10^{-4} watts will be required to differ from 121.5 MHz by at least 95 kHz plus the frequency tolerance of the cable signal, and must differ from 156.8 MHz and 243.0 MHz by at least 45 kHz plus the frequency tolerance.

(2) In the aeronautical radionavigation bands, adopt the same signal leakage criteria, but add a frequency restriction for any signal component having a peak power level greater than a specified threshold. Nay such signal components should be restricted to frequencies which are odd multiples of 25 kHz (for example, 108.205, 108.075, 108.125 MHz, etc.), with a frequency tolerance of $\pm$ 5 kHz.

We agree with Committee's recommendation that in addition to the system integrity standards, a frequency offset criterion (for signals above the power threshold specified) should be required in the radionavigation bands. A requirement that cable signals must be on frequencies which are odd multiples of 25 kHz (for example, 108.025, 108.075, 109.225, or 109.275 MHz) with a frequency tolerance of $\pm$ 5 kHz would not be burdensome to cable operators, and would provide an offset of at least 20 kHz from any radionavigation frequency assignment which is envisioned by the Federal Aviation Administration or the Department of Defense anywhere in the country in the foreseeable future. This additional protection is desirable in the radionavigation bands because radionavigation receivers may be slightly more sensitive to certain kinds of interference than are communications

receivers, and the consequences of interference could be severe.

(3) The basic leakage performance criterion should be that the 90th percentile power output at the test signal frequency from an aircraft antenna such as that used in the research reviewed herein, at an altitude of 450 meters above the cable system, should be less than -100 dBm when the cable system is energized with an unmodulated test signal having power equal to the peak power of the highest cable television carrier within the VHF television bands.

The proposed rules would not themselves specify a 90th percentile level of less than -100 dBm at 450 meters altitude, since neither the cable operator nor the Commission will generally be able to make a direct measurement of that parameter. Rather, the rules will specify the required values of ground-based measurements or much simpler airspace measurements. The specified values will be chosen on the basis of research reported by the Advisory Committee in such a way that the expected 90th percentile power level at 450 meters will be -100 dBm or less.

(4) Direct measurement of the criterion of Item (3) is not usually feasible. Acceptable evidence that the criterion is met can be derived from any of several methods:

(a) Show that $10 \log I_{3000}$ is equal to or less than -7, prior to carriage of signals in the aeronautical radio bands and at least once a year thereafter, based on a sampling of at least 75% of the cable strand, and including any portions of the cable system known or expected by the cable operator to have less leakage integrity than the average of his system.⁴ The unmodulated test carrier should be within the VHF aeronautical radio bands, and at the level of the peak power of the highest signal component within those bands.

(b) Show that $10 \log I_{\infty}$ is equal to or less than 34, prior to carriage of signals in the aeronautical radio bands and at least once a year thereafter, based on a sampling of at least 75% of the cable strand, and including any portions of the cable system known or expected by the cable operator to have less leakage integrity than the average of his system. The unmodulated test carrier should be within VHF aeronautical radio bands, and at the level of the peak power of the highest signal component within those bands.

³ An additional frequency offset criterion is recommended in the radionavigation bands. But unlike the case under the present rules, this offset criterion can easily be met by any cable system in any location. Therefore, ad hoc frequency prohibitions dependent upon aeronautical radio assignments in a given area are not necessary.

⁴ A footnote in the Advisory Committee Report suggests that "[i]t may require some care to specify in FCC Rules how the 75% to be covered must be chosen."

(c) Show by measurement in the airspace that the equivalent field from cable signal leakage does not exceed 10 microvolts per meter at an altitude of 450 meters above the average terrain of the cable system. The measurement system (including the receiving antenna) should be calibrated against a known field of 10 microvolts per meter produced by a well characterized antenna and ground plane at ground level. The half-power bandwidth of the detector should be 25 kHz or less. If an aeronautical receiver is used for this purpose it should meet the standards of the Radio Technical Commission for Aeronautics (RTCA) for aeronautical communications receivers. The unmodulated test carrier should be within the VHF aeronautical radio bands, and at the level of the peak power of the highest signal component within those bands.

We propose that any of the three test procedures recommended by the Advisory Committee may be used at the cable system's option to demonstrate adequate system integrity. We agree with the Committee that it is not always feasible to examine 100% of the cable system each time the examination is performed. We specifically request comments on two points: (a) Is it reasonable to require that 75% of the cable plant be examined to show compliance, both from the point of view of feasibility of measurement and from the point of view of assuring a sufficiently complete sampling, and (b) What specifications, if any, should be included in the Rules to assure that the portion of the plant chosen by the cable operator (or FCC enforcement personnel) for measurement is a representative sample of the system as a whole? If, for example, 25% of the plant were old and the rest were new, it would not be a representative sample if the operator examined only the new plant.

(5) Measurements upon which calculation of I_{3000} or I_{∞} are based must either be made with a dipole and a field intensity meter as described in Section 76.609(h) of the Commission's rule or by means of another device which is calibrated in a realistic fashion against such a dipole and field intensity meter.

We request comment on whether it is necessary to specify in the Rules a procedure for calibrating a cable operator's measurement process against the use of a field intensity meter and a dipole. If so, what procedure or procedures should be specified? We are inclined to leave this unspecified, depending upon a common Commission,

and industry understanding of professional engineering practice and allowing maximum flexibility for adoption of new measurement techniques as they arise. The research reported by the Advisory Committee does indicate that alternative procedures for leakage measurement can provide acceptable results.

We note that at present Section 76.609(h) requires that the dipole measurement be positioned 10 feet (3 meters) from the cable in most instances. But in some cases (where the cable is more than 6 meters (20 feet) above the ground) the cable dipole distance is required to be more than 3 meters. We propose to modify Section 76.609(h) to require a separation of 3 meters in all cases.

(6) The Commission should retain the authority to terminate cable system operation should harmful interference occur, independent of whether ground or air measurement criteria are met.

The authority to terminate operation of sources of actual interference is fundamental to the Commission's responsibilities and will remain in place.

(7) Advance notification to the Commission of intended use of frequencies in the aeronautical radio bands, if maximum peak power is to be above the specified threshold, should be a continued requirement.

Notification of intent to use aeronautical frequencies will remain an important part of our regulatory program. However, since ad hoc frequency prohibitions will not be necessary under the proposed scheme, notification 60 days in advance of use would no longer be essential. A statement that leakage tests have been made according to FCC rules, and that the cable system meets the integrity criteria would be required.

(8) The threshold cable system power level at which leakage integrity and frequency offset rules become applicable should be changed from the present 10^{-5} watts to 10^{-4} watts (38.75 dBmV, or -10 dBm). The threshold for notification of FCC should remain at 10^{-5} W (29.75 dBmV or -20 dBm).

One of the technical conclusions reached by the Advisory Committee was that aural carriers (having low power levels) have a very low probability of causing interference, even under conditions of "worst case" leakage. Therefore, such low level signals may reasonably be excluded from the existing frequency offset requirements, even without showing that the cable system is as free of leakage as would be required under the proposed new rules. The Committee recommends that we temporarily leave in place our present

rules and procedures, for optional use by existing systems that cannot meet the new requirements. (See item (11), below.) We propose to do this, but with some modification of the existing rules. One of those modifications would be to raise the threshold power level at which the rules become applicable, so that aural carriers and signals of similar power level are excluded. Aural carriers on cable television systems typically have peak power levels in the range 27 to 37 dBmV (7×10^{-6} to 7×10^{-5} watts).

(9) The existing requirement for regular and routine monitoring of any cable system using any frequencies in the aeronautical radio bands should be maintained.

Routine monitoring and maintenance will be even more important under the proposed new regulations than under existing rules. We are undecided, however, as to the degree of detail with which our rules should specify how monitoring is to be done. We propose that "routine" monitoring, using leak detectors on at least one service vehicle (or in one fourth of the total number of vehicles in use, whichever number is larger) should be required, and that the cable operator should be required to inspect the entire cable system at least once every three months. We invite comment on details of monitoring requirements.

(10) The upper allowable limit for individual cable leakage sources should be changed from the present levels to the level of 100 μ V/m as measured at 3 meters from the cable by the method now described in Section 76.609(h) of the Commission's Rules, independent of the frequency at which the leakage occurs. (This recommendation does not address interference to ground-based radio services or aeronautical receivers on the ground; however, even in that case the current 20 μ V/m limit may be unnecessarily stringent.)

The Committee's recommendation of a permissible level of 100 μ V/m for individual leakage sources is based entirely on observations with respect to interference in the airspace, and does not address problems of interference to ground level radio reception. Because our experience with cable television systems indicates that leakage sources of about 20 μ V/m are difficult to measure and are generally very conservative in terms of interference potential, we do expect to increase the permissible level to something higher than 20 μ V/m. However, we do not want to raise the limit to a level such that ground level interference becomes significant even though our leakage criterion is met. Unlike the use in the airspace, where virtually all leakage

sources in the cable system can contribute to interference, only cable leakage sources in the immediate vicinity of a ground-based radio receiver offer interference to that receiver. Therefore, it may be that prevention of interference to ground-based radio services could be achieved by leakage limits similar to limits we impose on other sources (such as TV receivers) in the same frequency bands. We do, however, intend to remain conservative in our individual leakage source criterion as it relates to airspace interference potential. Comments on the level at which the standard should be set are invited.

(11) Cable television systems which presently use aeronautical frequencies should be allowed either to continue complying with the existing frequency offset rules, or to meet the new requirements. This grandfathering period should terminate after a period of five to ten years. New users (and all users after the grandfathering period) must meet the new standards or avoid all use of the aeronautical radio frequencies.

We agree with the Advisory Committee that some period of time to allow existing systems to improve their leakage performance to comply with the proposed new rules is appropriate. During that time, those systems not meeting the new requirements would, of course, have to continue the present practice of avoiding locally used aeronautical radio frequencies. We would like this time period to be as short as possible, but long enough to allow most existing systems which desire to use the aeronautical frequencies to meet the new standards in the normal course of their rebuilding programs. We would welcome substantiated comments on how long a time might be required. Since it seems to be well within the state of the art to build cable systems which will meet the proposed new standards, and since virtually all new systems are being constructed to those standards for many reasons in addition to protection of aeronautical radio services, we see no reason to permit new systems the option of the existing "frequency avoidance" procedure.

9. In addition to the recommendations of the Advisory Committee, we propose further modification of the existing "frequency avoidance" procedure. We believe, on the basis of our present experience and the research reported by the Advisory Committee, that that procedure can be greatly simplified without increasing the risk of interference. Raising the threshold

power level to 10^{-4} watts, as recommended by the Committee, will eliminate at least half of the difficulty of avoiding aeronautical frequencies. In the communications bands the present requirements is 100 kHz plus the cable system's frequency tolerance. In the radionavigation bands the separation requirement is 50 kHz plus the tolerance. We propose to reduce the requirement to 45 kHz plus the tolerance in both cases. For example, a nominal separation of 50 kHz with a tolerance of ± 5 kHz would meet the proposed criterion.

10. In the radionavigation bands, the proposed separation is consistent with the proposal made by the FAA in 1977, when we adopted our present rules. We believe that the same separation should be applied to the communications bands since the majority of communications receivers provide interference susceptibility which is 60 db better than that achievable at a zero frequency separation.⁵ Since the worst leakage observed in the research was no more than about 11 db above the level of detectability, it probably would not be observed by a communications receiver if the frequency were offset by 45 kHz or more.

11. The proposed reduction of the offset requirement to 45 kHz will eliminate about 80% of the existing problems of choosing appropriate frequencies for cable operations. In practice, for instance, the present rules forbid cable operation on the conventional Channel A visual carrier frequency (121.250 MHz) if there is a nearby aeronautical service on 121.150, 121.200, 121.250, 121.300, or 121.350 MHz. (Still other aeronautical frequencies are possible, but these are the most common ones in the vicinity of 121.250 MHz.)⁶ The proposed reduced offset requirement would require the cable operator to change his frequency or avoid Channel A only if there were an aeronautical assignment on 121.250 MHz (if the frequency tolerance were ± 5 kHz), and aeronautical assignments on the other 4 of the 5 frequencies would be immaterial. Thus, the combination of ignoring aural carriers and reducing frequency offset requirements to 45 kHz would eliminate approximately 90% of the existing difficulties with the

⁵ Older "100 kHz" receivers which are generally more prone to receive interference in normal operation will also be more susceptible to interference from cable systems. Such receivers are less sensitive by 8-10 db to a 50 kHz offset signal than to an on-frequency signal.

⁶ Even the older "100 kHz" receivers, very few of which are still in use, and which we understand are rarely if ever used near major air traffic centers, are less sensitive by 8 to 10 db to a 50 kHz offset signal than to an on-frequency signal.

"frequency avoidance" approach to protection of aeronautical radio services. (Of course, the administrative effort associated with advance notification to the FCC and FCC response to those notifications would not be eliminated; only the difficulty of identifying "clear" frequencies for cable use would be cut by about 90%).

12. We have found some difficulty in double checking cable operators' efforts to avoid conflict with aeronautical assignments because it is not clear from the notifications we receive exactly where the cable television system is, geographically. We therefore propose to add to the requirement for advance notification of intent to use aeronautical frequencies (whether under the existing rules or the proposed new rules) the requirement that the cable operator define a circle which encloses the entire cable plant, existing or planned, for which notice is being given. The specification of latitude and longitude, in degrees, minutes, and seconds, of a point near the center of the cable system, together with the distance from that point to the most remote point on the cable plant, would specify such a circle. Additional geographical information could be provided at the cable operator's option, but specifications of a circle would generally be adequate.

13. Finally, we note that the present rules have not completely succeeded in preventing interference. Since the present rules were adopted, there has been detection of cable television leakage by aeronautical receivers in three cases, and in at least one of those cases interference to aeronautical communications did occur. Aeronautical radio does take precedence over cable television use of the aeronautical radio frequency bands. The results of whatever rules are adopted as a result of this Notice will be monitored closely, and further steps will be taken if needed to preserve air traffic safety.

IV. Authority

14. Authority for the rulemaking proposed here is contained in 47 U.S.C. 151, 152, 154 (i) and (j), 301, 303, and 307. All interested parties are invited to file written comments on this rulemaking proposal on or before April 25, 1980, and reply comments on or before May 12, 1980. In reaching a decision on this matter, the Commission may take into account any other relevant information before it, in addition to the comments invited by this Notice of Proposed Rulemaking.

15. In accordance with the provisions of 1.419 of this chapter, an original and 5 copies of all comments, replies,

pleadings, briefs or other documents filed in this proceeding shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Docket Reference Room (Room 239) at its Headquarters in Washington, D.C. (1919 M Street, N.W.).

Federal Communications Commission.

William J. Tricarico,
Secretary.

Appendix A—Definition of Leakage Indices

1. The most important of the ground based measurements performed during the research program were done by measuring the electric field intensity at a distance of 3 meters from the cable leakage source, according to the method described in Section 76.609 of the FCC Rules. When other methods were used for measurement of individual leakage sources, they were related to these standard measurements by means of a calibration process. It was necessary to define some single parameter to characterize the leakage behavior of each cable system, on the basis of the ground measurements. Two different parameters were defined for this purpose, I_{3000} and I_{∞} (we refer to the full report of the Committee, cited in the main text of this Notice, for detailed discussion):

$$I_{3000} = \frac{1}{\phi} \sum_{i=1}^n \frac{E_i^2}{R_i^2}, \quad (A-1)$$

and

$$I_{\infty} = \frac{1}{\phi} \sum_{i=1}^n E_i^2, \quad (A-2)$$

where

$$R_i^2 = r_i^2 + (3000)^2, \quad (A-3)$$

r_i^2 is the distance (in meters) between the leakage source and the center of the cable television system, and ϕ is an estimate of the fraction of the cable system which was actually examined for leakage sources. R_i , then, is the slant height distance, in meters, from a cable leakage source i to a point 3000 meters

above the center of the cable television system.

2. The contribution of each leakage source i to the leakage index I_{∞} is proportional to the power flux density produced by leak i at a point 3000 meters above the center of the cable system, assuming isotropic radiation from the leak. The contribution each leakage source makes to the leakage index I is proportional to the total power available from the leak. Research results show that either leakage index can give adequate representation of cable system integrity. I_{3000} gives a somewhat more accurate indication of airspace fields, but I_{∞} also gives adequate results and is much simpler to compute from measurement data.

3. The principal airspace measurements consisted of automated recording of power input to a narrow band airborne receiver at a rate of 200 data points per second. The receiver was tuned to the same frequency as was a CW carrier imposed on the cable television system below the aircraft.

4. The airspace leakage field, for purposes of estimating whether or not interference would be detected by an aeronautical radio receiver, was represented by the receiver input power which was exceeded by 10% of the data points recorded over the cable system. In the Advisory Committee report and in this Notice, this is called the "90th percentile level" of airspace leakage field.

Appendix B—Technical Conclusions of the FCC Advisory Committee on Cable Signal Leakage

The following is Section 4.2, *Technical Conclusions*, taken from the final report of FCC's Advisory Committee on Cable Signal "Leakage". (References are omitted here.)

4.2 Technical Conclusions

The Advisory Committee reaches the following technical conclusions on the basis of the research reported in previous sections:

(1) It is possible to determine, within acceptably narrow limits, the level of cable television signal leakage fields which exist in the airspace over the cable system by means of reasonably simple measurements made at ground level.

(2) Specifically, if the value of $10 \log I_{3000}$ is less than -7 for a given cable television system, then we would expect to be in error only one time in twenty by stating that the 90th percentile level of the airspace fields at 450 meters altitude is less than -100 dBm, which is below the level of detectability for virtually all aeronautical communications received

as they are operated in practice. Navigation receivers, being more sensitive to interference in some cases, should be given additional protection by means of frequency offsets.

(3) Of the thirteen cable television systems examined, only two showed measured airspace fields which would be expected to cause interference to aeronautical radio receivers. Both these systems were old systems, and clearly in poor condition with respect to signal leakage. To the extent that our sample is representative of all cable television systems, it can be expected that cable television systems using modern leak prevention equipment and techniques would not cause aeronautical radio interference. However, this conclusion should be checked by monitoring the performance of newer systems over a period of years.

(4) Ground-based measurement of signal leakage, although not a trivial chore, is feasible for most cable television operators who want to use aeronautical radio frequencies.

(5) It is feasible for FCC enforcement personnel to perform rapid spot checks which have a high probability of identifying an excessively leaky cable television system.

(6) At least under the controlled conditions of this experiment, a small number of artificially created leaks, each about 40 times greater in power than the largest leaks discovered in operating cable systems, was insufficient to cause harmful interference to ground-air communication services, although in some circumstances such leakage fields could be detected in the airspace. If such a large leakage source did occur in an operating cable TV system, it would be highly likely that service downstream from the leak would be seriously degraded. In that case the leak would very soon come to the attention of a cable television system operator. In practice, interference potential arises from a large collection of leakage sources, each of which is too small to cause interference by itself. (7) For the systems tested, which are considered to be representative, leakage sources equal to or less than 100 uV/m at three meters do not contribute significantly to a cable system's potential for causing harmful interference to aeronautical radio services.

(8) Simple airspace measurements using the AGC (automatic gain control) voltage of an aeronautical radio receiver provide an alternative to the process of making ground measurements of signal leakage. This alternative may be especially important for cable systems serving large numbers of high rise buildings.

(9) Signal leakage on frequencies used for aural carriers is unlikely to cause interference even under the worst cable leakage conditions. The worst cable system observed . . . exhibited airspace fields (due to visual carriers) about 11 dB higher than detectable by aeronautical receivers; aural carriers are 13 to 17 decibels lower in level than visual carriers, and therefore would not be observable even in [the worst case city].

(10) The phenomenon of "phase addition" of cable leakage signals, as compared to addition on a power basis, was not observed and is not believed to be significant.

[FR Doc. 80-9090 Filed 3-25-80; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 83

[Gen. Docket No. 80-108; FCC 80-121]

Implementing a Provision of the New (1974) Safety Convention Regarding Compulsory Carriage of Radar on Board Vessels of 1,600 Tons Gross Tonnage and Over

AGENCY: Federal Communications Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Federal Communications Commission proposes an amendment of Part 83 of the rules to implement a requirement of the new 1974 Safety Convention requiring mandatory carriage aboard ships of 1,600 tons gross tonnage and over of radar equipment meeting minimum standards. These standards are proposed in the notice.

DATES: Comments must be received on or before April 25, 1980, and Reply Comments must be received on or before May 12, 1980.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Irvin Hurwitz, Private Radio Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION:

Adopted: March 12, 1980.

Released: March 21, 1980.

By the Commission: Commissioner Lee absent.

1. On May 25, 1980, the International Convention for the Safety of Life at Sea, 1974 (SOLAS, 74) comes into force, thereby replacing and abrogating the old 1960 Safety Convention. Regulation 12(a) of Chapter V of the new Convention reads as follows:

All ships of 1,600 tons gross tonnage and upwards shall be fitted with a radar of a type approved by the

Administration. Facilities for plotting radar readings shall be provided on the bridge in those ships.

The Commission has been charged, in Section 303(r) of the Communications Act of 1934 as amended, with responsibility for making "such rules and regulations . . . as may be necessary to carry out the provisions of . . . any treaty or convention insofar as it relates to the use of radio, to which the United States is or may hereafter become a party". Radar, which is an acronym for *RA*dio *DE*tectio*N* And *R*ang*ing*, has been judged to be "radio" within the meaning of Section 303(r) of the Act and was so understood by the U.S. Senate when, as part of the ratification process, it granted its Advice and Consent on the occasion of compulsory radar requirements' initial introduction and integration into the Safety Convention.

2. This Notice of Proposed Rule Making is being used in order to propose specifications to be met by the types of radar this Administration has been called on to approve. The proposed rule modifications are set forth in the attached appendix. They are largely based on radar specifications that were developed over the past several years—with the present rulemaking in mind—by Special Committee 65 of the Radio Technical Commission for Marine Services, an advisory committee to the Federal Communications Commission. This Committee, which included in its makeup all segments of the marine industry as well as of consumer interests, arrived at a consensus with respect to radar operational specifications, and it is these specifications that formed the basis for the instant proposed rulemaking.

3. Specific comment is requested concerning the approval of these radars by the Commission. In order to determine compliance with the proposed new Section 83.465, approval procedures will be required. Since the procedure required will determine the resource impact upon the Commission, we are interested in implementing a program which will provide the maximum assurance of compliance with the proposed standards for the minimum amount of money and manpower. The program could vary from one under which all necessary testing is done by the Commission, to one which is based upon review of data submitted by the manufacturer with no testing by the Commission. When commenting on this matter, a suitable cost-benefits analysis should be provided, keeping in mind the safety aspects of the equipment.

4. Authority for issuance of this Notice is contained in Sections 4(i) and 303(r) of

the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r). Pursuant to procedures set out in Section 1.415 of the Rules and Regulations, 47 CFR 1.415, interested persons may file comments on or before April 25, 1980, and reply comments on or before May 12, 1980. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

5. In accordance with the provisions of Section 1.419 of the Rules and Regulations, 47 CFR 1.419, formal participants shall file an original and 5 copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

6. Regarding questions on matters covered in this document contact Irvin Hurwitz, (202) 632-7175.

Federal Communications Commission.
William J. Tricarico,
Secretary.

Part 83 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

1. Section 83.70(b) is amended by adding the following sentence to the end of the text to read as follows:

§ 83.70 Application for inspection and certification.

* * * * *

(b) * * *

In the case of ship radar stations, the license of the service representative shall, in addition, bear the radar endorsement.

* * * * *

2. Section 83.107(a) is amended to read as follows:

§ 83.107 Antenna requirements.

(a) The antenna(s) of each ship station and ship radar station compulsorily provided on board a vessel for safety purposes pursuant to statute or international agreement shall, insofar as is practicable in each case, have electrical characteristics that will, in conjunction with the particular transmitting apparatus employed, assure good efficiency in the conversion of antenna power to radiated power.

3. Section 83.110 is amended to read as follows:

§ 83.110 Maintenance of transmitter power.

(a) The actual power of each radio transmitter in a ship station or ship radar station shall, insofar as is practicable, be no more than that necessary to carry on the service for which the station is licensed and in no event more than 20 percent above the power specified in the license.

(b) Except for transmitters using single sideband and independent sideband emissions, each radio transmitter in a ship station, rated by the manufacturer as being capable of a plate input power in excess of 200 watts or carrier power in excess of 100 watts, shall be fitted with the instruments necessary to determine the transmitter power during its operation.

4. In § 83.115, paragraphs (a)(1), (a)(2) and (e) are amended to read as follows:

§ 83.115 Retention of radio station logs.

(a) * * *

(1) Station logs involving communications or other entries incident to a distress or disaster shall be retained by the station licensee for a period of 3 years from date of entry;

(2) Station logs which include entries of communications or other matter incident to or involved in an investigation by the Commission and concerning which the station licensee has been notified shall be retained by the station licensee until such licensee is specifically authorized in writing by the Commission to destroy them;

(e) The logs of the bridge-to-bridge and ship radar stations shall be retained at their respective principal operating locations on board the vessel for a period of not less than 30 days from the date of entry. After the 30-day period these logs may be removed from the principal operating locations of their respective stations and filed at a place where it will be readily available to an authorized representative of the Commission upon request, and shall be

retained as stipulated by paragraph (a) of this section.

5. The title of Subpart R is amended to read as follows:

Subpart R—Radiotelegraph and Ship Radar Stations Provided for Compliance With Part II of Title III of the Communications Act or the Radio Provisions of the Safety Convention

6. Section 83.442 is amended to read as follows:

§ 83.442 Radio station.

The radio station required to be provided on a ship by reason of the provisions of part II of title III of the Communications Act, or on a U.S. ship by reason of the Safety Convention, shall comply in an efficient manner with the provisions of this subpart in addition to all other applicable requirements of this part. The radio station consists of a radiotelegraph station and a ship radar station. The radiotelegraph station comprises a main and a reserve radiotelegraph installation, electrically separate and electrically independent of each other (except as otherwise provided in paragraph (b) of § 83.443), a radiotelephone installation¹ and such other equipment as may be necessary for the proper use and operation of these installations. The ship radar station comprises a radar installation and such other equipment and facilities as may be necessary for its proper use and operation.

7. A new § 83.446a is added as follows:

§ 83.446a Requirements of radar installations.

All radar installations provided to meet the requirements of the Safety Convention shall comply with the following conditions in addition to all other applicable requirements of Part 83 of this chapter.

(a) The main display position of the radar station shall be located in the wheelhouse and the radar shall be capable of being switched on and off and operated from that position. The installation shall be such that the radar functions normally within the guidelines set by § 83.465.

(b) If the radar becomes inoperative, or if its output becomes in any way suspect, the occurrence shall immediately be reported to the master and to the radio officer and entered into the ship radar station log by the radio officer.

(c) Clearance of all radar faults and the means by which the clearance was

accomplished shall be entered into the ship radar station log by the radio officer. An entry shall also be made whenever routine or extraordinary maintenance is carried out.

(d) A reflection plotter shall be available and facilities for plotting provided as necessary.

8. Section 83.447 is amended to read as follows:

§ 83.447 Routing of power supply wiring.

The conductors connecting the main power supply to the main installation, and those connecting the reserve power supply to the reserve installation, and finally those connecting the radar power supply to the ship radar station, shall be so routed as to ensure adequate protection from mechanical injury, shall be protected from overload, and shall be kept clear of electrical grounds.

9. Add new § 83.465 as follows:

§ 83.465 Ship radar station.

All compulsorily installed ship radar stations shall, in addition to meeting all other relevant provisions of this chapter, comply with the applicable radar specifications issued by the Radio Technical Commission for Marine Services under date of July 18, 1978, as given in the Final Report of Special Committee 65—Ship Radar. These specifications may be obtained from the Radio Technical Commission for Marine Services c/o Federal Communications Commission Washington, D.C. 20554 or from the Commission's Aviation and Marine Branch. The applicable specifications hereby incorporated by reference in this subpart are the following:

(a) For radar equipment installed after May 25, 1980, the applicable document is entitled "Performance Specification for a General Purpose Navigational Radar Set For Ooceangoing Ships of 1600 Tons Gross Tonnage and Upwards, *For New Radar Installations*." This specification including its Appendix A—Design and Testing Specifications—may be found in Part I of Volume II of the SC-65 Final Report.

(b) For equipment installed before May 25, 1980, the applicable document is entitled "Performance Specification for a General Purpose Navigational Radar Set For Ooceangoing Ships of 1600 Tons Gross Tonnage and Upwards *For Ships Already Fitted*." This specification may be found as Part II of Volume II of the SC-65 Final Report.

(c) Requirements for Tools, Test Instruments Spares and Technical Manuals may be found in Appendixes I, II, III and IV of Part IV of Volume III of the SC-65 Final Report.

¹Effective January 1, 1980, radiotelephone installations are required.

(d) Specifications for reliability testing may be found in Part V of Volume III of the SC-65 Final Report under the title "Equipment Reliability Specification for Design and Production of Radar, Collision Avoidance, and Marine Radar Interrogator—Transponder Equipment."

[FR Doc. 80-9091 Filed 3-25-80; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1120A

[Finance Docket No. 28990F]

Common Carrier Status of States, State Agencies and Instrumentalities, and Political Subdivisions

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rules and proposed exemptions.

SUMMARY: We propose (1) to exempt States that acquire rail lines which have been abandoned or approved for abandonment, and operators that provide service over the lines, from some of the requirements of the Interstate Commerce Act which apply to common carriers and (2) to adopt special rules which will apply to the States and to those who operate service over these lines. These actions are being proposed in response to a petition for a declaratory order which was filed by thirteen States and one transportation district. Our intention is to insure that Commission regulations do not prevent any State from participating in a subsidy program.

DATES: Comments should be filed by April 25, 1980.

ADDRESSES: An original and 12 copies of all comments should be sent to: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, DC 20423. Attention: Finance Docket No. 28990F.

FOR FURTHER INFORMATION CONTACT: Michael Erenberg, (202) 275-7245.

SUPPLEMENTARY INFORMATION: On March 20, 1979, the States of Arizona, Delaware, Georgia, Illinois, Massachusetts, Mississippi, North Carolina, Ohio, South Dakota, Vermont, Virginia, West Virginia, and Wisconsin, and the Accomack-Norhampton Transportation District of Virginia (petitioners) filed a petition for a declaratory order concerning our authority under 49 U.S.C. 10901. The petitioners want to know whether they would qualify as common carriers under the Interstate Commerce Act (the Act)

as a result of their acquisition or operation of rail lines which have been lawfully abandoned or approved for abandonment. If we conclude that the petitioners would qualify as common carriers, then petitioners request that we use our authority under 49 U.S.C. 10505 to exempt them from certain requirements of the Act applicable to common carriers.

The Michigan Department of Transportation (MDOT) has petitioned for leave to intervene in the proceeding, and the United States Department of Transportation (DOT) has submitted a letter indicating its intent to participate. We grant the petition of MDOT, and welcome the participation of DOT.

As used throughout this notice, "State" means a State and any political subdivisions of a State and "abandoned rail lines" means a line that has been lawfully abandoned or approved for abandonment.

Background

Petitioners state that the passage of the Regional Rail Reorganization Act of 1973 (3-R Act), the Railroad Revitalization and Regulatory Reform Act of 1976 (4-R Act), and the Local Rail Service Act of 1978 has placed States and other government agencies in the forefront of rail service continuation programs. They cite a Commission staff opinion, contained in a memorandum dated June 1, 1978, from Edward J. Schack, Acting Deputy Director, Section of Finance to Madeline S. Bloom, Director, Office of State Assistance Programs, Federal Railroad Administration, which indicated that States or political subdivisions seeking to continue rail service through such programs, by offering to purchase and operate lines authorized for abandonment, must apply for a common carrier certificate from the Commission.

Although the petitioners recognize that the opinion is not binding, they contend that it has had a chilling effect on State participation in rail programs since most States are unwilling or unable to assume common carrier status. They request advice as to whether a State or political subdivision would become a common carrier if it acquired or leased a line and (1) provided a subsidy payment to an operator, (2) contracted with a nonsubsidized operator, or (3) operated the line. If the State would become a common carrier in any of these instances, petitioners request that the Commission exempt them from some of the common carrier obligations they would incur.

The petitioners maintain that we lack jurisdiction to require States or political

subdivisions to obtain common carrier certification unless they are providing transportation services for compensation; that, to be a common carrier, a State owning a railroad must actually perform transportation services; and that only a governmental body which owns and operates a railroad must therefore be a common carrier.

Petitioners argue that States will not be able to participate in subsidy programs if they must become common carriers. To illustrate the problems they would encounter, they point out that, as common carriers, they would have to go through the Commission's abandonment procedures before they could terminate service over a subsidized line. However they have no guaranteed source of subsidy funds, and, if subsidy funds were cut off, they believe they would have to be able to terminate subsidized service without going through the Commission's abandonment procedures. Otherwise, they could find themselves with an obligation to continue to provide costly service with no source of funds to pay for the service.

There are constitutional provisions which would prohibit many States from becoming common carriers and common carrier status could place an intolerable administrative burden on them. For example, they might be required to secure Commission permission to issue bonds. Another concern is that all State employees might become subject to the employee protection conditions of the Act (49 U.S.C. 11347).

These concerns and others are raised in ten specific questions which the petitioners have included in their petition. The questions and our responses to them are contained in Appendix A. In some instances we have rephrased the original question to reflect our understanding of the petitioners' concern.

Jurisdiction

First, we consider the issue of whether the Commission has jurisdiction over the acquisition and operation by a government entity of an abandoned rail line. If a line has been lawfully abandoned, acquisition lies outside our jurisdiction as the line is not considered rail property. However, except as provided in 49 U.S.C. 10907, operation of a rail line requires prior approval from us under 49 U.S.C. 10901 and the operator incurs all common carrier obligations and responsibilities. Whether the operator of a rail line is a private organization or a State does not alter its common carrier status. In addition, we have found a nonoperating owner of a rail line to be a common carrier where the nonoperating owner

holds or participates in the control and management of the operating entity. See *Pittsburgh & W. Va. R.-Pur.-Pittsburgh & W. Va. Ry. Co.*, 330 ICC 593 (1967); *Texas & N.O.R. Co. Abandonment*, 317 ICC 245 (1960). Thus, under present law, in many instances, both the State and the operator of the rail line would be considered common carriers.

Exemption Authority

We are authorized by 49 U.S.C. 10505 to exempt from our regulation a class of persons, or a transaction or service where appropriate "because of the limited scope of the transaction or service." This exemption is available when we find that continued regulation:

- (1) Is not necessary to carry out the transportation policy contained in Section 10101 of the Act;
- (2) Would be an unreasonable burden on a person, class of persons, or interstate and foreign commerce; and
- (3) Would serve little or no useful public purpose.

This general exemption authority has been used to exempt companies operating exclusively as designated operators from the requirements of 49 U.S.C. 11343. See: *Exemption of Certain Designated Operators From 11343*, 361 ICC 379 (1979). In that same decision, we also exempted the officers and directors of those companies from the provisions of 49 U.S.C. 11322(a). We reasoned that companies operating exclusively as designated operators are generally small financially, have no major impact, singularly or in combination, on the competitive situation of other common carriers by railroad, and preserve a service which would otherwise be discontinued 361 ICC at 382. Also designated operators serving abandoned lines pursuant to the 3-R Act are not required to obtain our approval before commencing or abandoning operations. See: *Continuation of Rail Service Under Subsidy by Designated Operators*, 41 FR 10526 (1976).

The same arguments which favor exempting designated operators from some of the common carrier obligations of the Act favor exempting States and operators in this proceeding. The purpose of the exemptions would be the same, i.e., to remove unnecessary restrictions which might impede the success of the subsidy program established by Congress. The exemption would be based on findings that continued application of some of our regulations to States that acquire abandoned rail lines and to those who operate them would not be necessary to carry out the national transportation policy, would be burdensome on the States and the operators, and would

serve no public purpose. In fact, application of some of our regulations may operator to thwart the public purpose of continuing rail service to shippers on abandoned lines through the subsidy program.

We propose to exempt States which acquire abandoned rail lines (and do not undertake to operate the lines themselves) from all of the Act's regulatory requirements relating to the acquisition of the lines and the start up, conduct, and termination of service over them. We also propose to exempt the States from the requirements of section 11301 relating to the issuance of securities by a common carrier.

We propose to exempt operators of abandoned rail lines (whether the States themselves or operators with whom the States contract) from only those provisions of the Act governing acquisition and start up and termination of service. Conduct of operations would still be subject to the requirements of the Act concerning provision of service by common carriers by rail, with the exceptions discussed below.

We propose partially to exempt operators from the provisions of section 11101(a) of the Act concerning the provision of service upon reasonable request. This action would allow the States and the operators to limit the service provided over the line. For example, some States would like to be able to require that to receive subsidized service, a shipper must agree to contribute to the subsidy payment. States should have the leeway to adopt limitations on service.

As to employees of the State, the only employees who would be subject to the employee protection provisions of the Act would be those employees engaged in the actual operation of a rail line. Thus, if the State does not operate a line, none of its employees could be governed by the Act; if it does operate a line, only those employees involved in the actual operation might be subject to the Act's employee protection provision.

Proposed Rules

In the place of the requirements from which we propose to exempt States and operators, we propose to establish a new procedure governing the start up and termination of operations over abandoned lines. Appendix B contains rules which we propose to adopt to implement the new procedures. The State and the operator, if different from the State, would be required to file a joint application with the Commission for a special license (Special Service Certificate). The application would have to be filed before operations were begun.

Some States and operators will have begun service before these proposed rules become final. These States and operators should file an application for a special service certificate within sixty days of the effective date of final rules in this proceeding. They should attach to their application a request that the certificate of public convenience and necessity, under which they have been performing operations, be rescinded at the same time that the special service certificate is issued.

The proposed rules would require that certain information about the operator, the service to be provided, and the subsidizer be included in any application for a special certificate. In addition, the proposed rules would require that, before a State terminates service on a line, it must give sixty days' notice to the Commission and to all shippers who have used the line in the preceding twelve months.

The rules would require that States report any preconditions which shippers must meet to be eligible for subsidized service. If a State sets preconditions for service on a line, it must make the preconditions known to all of the shippers on that line, and any shipper that meets the State's requirements must be provided service by the operator.

We believe that this approach would provide a fair solution for the problems raised in the States' petition. It would eliminate the obstacles which the States believe would prevent them from participating in the subsidy program. It also would allow States to require shippers to contribute to the subsidy costs to receive service by permitting the States and the operators to limit service on the line. At the same time, it would insure that operators who do provide service over the lines will be required to adhere to the fundamental common carrier service requirements of the Act, such as the prohibition of rate discrimination. The States will be able to terminate service in a short time if their subsidy funds run out, and, at the same time, shippers will be assured of at least sixty days' notice before the service is actually terminated.

Because of the need to expedite this matter, we intend to issue a decision on the proposed exemptions as soon as possible after the close of the comment period.

We propose to issue the exemptions discussed in this notice and to adopt the rules set forth in Appendix B below.

The public is invited to file comments on all aspects of these proposals.

This action does not appear to affect significantly the quality of the human environment or conservation of energy resources.

Issued under the authority of 5 U.S.C. 553 and 49 U.S.C. 10321 and 10505.

Dated: March 18, 1980.

By the Commission. Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, and Alexis. Commissioner Trantum concurring with a separate expression.

James H. Bayne,
Acting Secretary.

Commissioner Trantum (Concurring)

It is not surprising that, having observed the results of 93 years of railroad regulation by the Federal Government, the petitioner States describe themselves as "not willing or able to assume common carrier status." Yet while Congress, the Executive Branch, and this Commission have finally begun to recognize the need for less government interference in the railroad business, direct participation by States seems to be expanding.

This proceeding should not be conducted without consideration of the implications of government funding of operations over abandoned rail lines. A legislature may, of course, devote a portion of a State's financial resources to assisting shippers during a transition period following an abandonment. But long-term operations, and particularly Federal subsidies, present a clear risk of expanding government involvement (ultimately more Conrails or nationalization). The parties to this proceeding should recognize that the public interest would be better served if private-sector railroad companies, as well as the States and their designated operators, were relieved of some of the legal obligations and financial burdens that come with common carrier status.

[F.D. 28990F]

Appendix A—Response to Petitioners' Questions

(1) Q: When an agreement is reached between a railroad seeking to abandon a line and an offeror of assistance (subsidy), the Commission postpones abandonment authorization as long as the agreement is in effect; the agreement is a contract for service which the railroad supplies. Does the contract extend that common carrier obligation to the subsidizer?

A: The contract for subsidized service between the railroad and the subsidizer would not extend the common carrier obligation to the subsidizer. If the subsidizer acquired the line and contract with a railroad to provide service, the subsidizer could be considered a common carrier.

(2) Q: If an agreement is reached between a State and an operator, can the operator refuse to extend the contracted service to a user of the line if the user does not provide any subsidy? Again, who holds the common carrier obligation?

A: Under the Act, the operator could not refuse to extend service in this situation. Under our proposal in this notice, the State and the operator would be able to refuse service to users who are not prepared to meet certain preconditions such as contributing to the subsidy. The operator would have to make known to all potential users the

conditions under which service would be offered and would have to provide service to anyone willing to meet those conditions.

(3) Q: If an agreement is reached and the certificate of public convenience and necessity permitting abandonment is held, does the certificate have a statute of limitations? Currently, if the certificate is not exercised within one year, the certificate is void. Does the agreement mitigate this 1-year expiration?

A: The issuance of an abandonment certificate is postponed while a subsidy agreement is in effect. Upon termination of the subsidy agreement, a certificate will be issued automatically, and it must be exercised within one year of the date that it is issued, unless a specific extension of time is granted.

(4) Q: If a subsidy is terminated, do those users who are/were served have any legal rights or recourse before the Commission, and if so, against whom?

A: Under our proposal, the only right that the users of the line would have in such a situation would be the right to sixty days' notice from the State before service is terminated.

(5) Q: If the Commission authorizes an operator to continue service over a rail line after a finding permitting abandonment, who holds the responsibility for providing the service—the railroad operating the line, those who ask for the order, or the Commission itself?

A: When operations are continued as a result of a subsidy agreement, the operator of the line incurs the obligation to provide service.

(6) Q: In the situation described above, does that confer upon the operator the ability to establish joint rates and through routes as a common carrier?

A: The operator of the subsidized line has the same rights and responsibilities with respect to rates and routing as any other common carrier.

(7) Q: In the situation described in question 5, when the service is terminated, does an affected user have any recourse?

A: No; under our proposal the duration of the subsidized service would be determined by the subsidy agreement, and there would be no recourse against the operator.

(8) Q: Issuance of an abandonment certificate can only be delayed for six months until an agreement is reached between a railroad and a subsidizer. What happens if no agreement can be reached?

A: The Act provides that, if an agreement is not reached by the end of a six-month period, the Commission must issue a certificate unless the railroad agrees to extend the negotiation period.

(9) Q: Does ownership of a line in and of itself impose a common carrier obligation?

A: Ownership of a line that has been abandoned or approved for abandonment would not per se impose a common carrier obligation.

(10) Q: If a State or its subdivision owns and operates a line previously abandoned by a common carrier, can it cease service on reasonable notice if the state legislature or Congress fails to provide funds to keep the line in operation?

A: Under the proposals in this notice, it could, provided it gave sixty days' notice those who used the line in the preceding 12 months.

Appendix B

We propose to adopt the following new rules as 49 CFR Part 1120A.

PART 1120A—SPECIAL RULES FOR THE OPERATION OF ABANDONED RAIL LINES ACQUIRED BY A STATE

Sec.

1120A.1 Scope of special rules.

1120A.2 Common carrier status and exemptions.

1120A.3 Special Service Certificate.

1120A.4 Termination of service.

Authority: 5 U.S.C. 553 and 49 U.S.C. 10321 and 10505.

§ 1120A.1 Scope of special rules.

These special rules apply only when a State or a political subdivision of a State acquires a line of railroad, which has been legally abandoned or has been approved for abandonment, and either provides service over the line itself or contracts with an operator to provide the service. As used in these rules, the term "State" includes States and political subdivisions of States and "abandoned rail line" means a line which has been legally abandoned or has been approved for abandonment.

§ 1120A.2 Common carrier status and exemptions.

When a State acquires an abandoned rail line, and operates the line itself or contracts with an operator to provide service over the line, the State and the operator become common carriers under Chapter 105 of the Interstate Commerce Act. We have, however, exempted States and operators of abandoned rail lines from the statutory and regulatory requirements, applicable to common carriers, that govern the acquisition of these lines and the start up and abandonment of operations over them. We have also permitted the States and the operators to limit the service provided by exempting them from the requirement that they provide service to anyone who makes a reasonable request for it (citation to decision granting exemptions). States and operators exempted from these requirements must comply with the requirements of this Part 1120A.

§ 1120A.3 Special Service Certificate.

(a) Before operations may begin over an abandoned rail line, the acquiring State and the operator (if different from the State) must file a joint request with the Commission for a Special Service Certificate. If a State and an operator have begun service over a line before

these rules become effective, they should file a request for a certificate within sixty days of the effective date of these rules and attach a request that the certificate for public convenience and necessity, under which they have been performing operations, be rescinded at the same time that the special service certificate is issued.

(b) Requests for Special Service Certificates shall be filed in accordance with the Commission's rules of practice (49 CFR Part 1100).

(c) A request for a Special Service Certificate shall include the following information:

(1) The name and address of the operator and, unless the operator is an existing rail carrier:

(i) Its certificate of incorporation or, if it is unincorporated, the facts and organizational documents relating to its formation;

(ii) The names and addresses of all of its officers and directors and a statement from each which indicates any present affiliation they may have with a rail carrier; and

(iii) Sufficient information to establish the financial responsibility of the operator.

(2) The exact dates of the period of operation which have been agreed upon by the operator and the State which owns the line;

(3) A description of the service to be performed (if there is an operating agreement, it should be provided) and any additional information which is necessary to provide the Commission with a description of:

(i) The line over which service is to be performed;

(ii) All interline connections, including the names of the connecting railroads;

(iii) The nature and extent of all liability insurance coverage, including binder or policy number and name of insurer; and

(iv) Any preconditions which shippers must meet in order to receive service.

(4) The name and address of the subsidizer; and

(5) Sufficient information to establish the financial responsibility of the subsidizer (if the subsidizer is a State, the information should show that it has authority to perform the service or to enter into the agreement for subsidized operations).

(d) The service offered and the applicable rates, charges, and conditions must be described in tariffs published by the operator pursuant to the Commission's rules. The operator has an obligation to provide the services described in the tariffs.

(e) States must notify users of a line of any preconditions which the users must

meet to be eligible to receive subsidized service. Operators must provide service to all users who meet the State's preconditions.

§ 1120A.4 Termination of service.

The duration of the service provided over an abandoned rail line may be determined in the contract between the State and the operator. A State may not terminate service over a line unless it first provides 60 days' notice of its intent to terminate the service. The notice of intent must be: (a) Filed with the Commission; (b) published in a newspaper of general circulation in each county in which the line is located; and (c) mailed to all persons that have used the line within the twelve months preceding the date of the notice.

[FR Doc. 80-9158 Filed 3-25-80; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1125

[Ex Parte No. 293 (Sub-2)]

Standards for Determining Rail Service Continuation Subsidies

Cross reference: On December 29, 1979, the Rail Services Planning Office proposed rules regarding the standards for determining rail service continuation subsidies. For a document withdrawing the proposed amendment to the calculation of the management fee, see FR Doc. 80-9186, issued by the Interstate Commerce Commission, in the Rules section of this issue. For the correct page number, see the Table of Contents in the front of the issue.

BILLING CODE 7035-01-M

49 CFR Part 1201

[No. 37281]

Railroads Performing Depreciation Studies

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Interstate Commerce Commission is proposing to revise its regulation pertaining to developing depreciation rates for railroads' road and equipment property. This proposed rule will give railroads more independent involvement in the depreciation study process. The Commission has in the past prepared depreciation studies and provided railroads with annual composite depreciation rates. The proposed regulation will require individual railroads to perform depreciation studies and develop depreciation rates

for Commission review and approval every 3 years, effective June 1, 1980.

DATE: Comments are due by May 12, 1980.

ADDRESS: An original and 10 copies, if possible, should be sent to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr. 202-275-7448.

SUPPLEMENTARY INFORMATION: The objective of this NPR is to revise the regulations pertaining to developing depreciation rates for railroads' road and equipment property. We propose that Instruction 4-2, "Rates of depreciation," be revised so that individual railroads shall begin to perform depreciation studies that will provide the basis for formulating annual composite depreciation rates for each class of property. We also propose that railroads submit the depreciation studies and proposed depreciation rates every 3 years for Commission review and approval.

Currently the Commission prepares depreciation studies and annual composite depreciation rates for individual railroads. The proposed change is based on the following considerations:

(1) Individual roads know first-hand the internal policies that impact upon depreciation rates (e.g., rebuilding maintenance, operations, etc.).

(2) Many railroads now possess computer capabilities to calculate rates and accumulated depreciation with only minimal technical assistance and expenses.

This NPR would require railroads to develop depreciation rates and maintain data bases using prescribed procedures. Railroads shall then submit study results to the Commission for review and approval. A major consideration in the Commission's review process will be the impact that changes in the depreciation expense and accumulated depreciation accounts have on financial statements.

In general, a depreciation study shall contain the following components:

(1) Actuarial methods or semiactuarial methods for determining service lives for road and equipment properties;

(2) Salvage value calculations for road and equipment properties;

(3) Reserve calculations for each account or subaccount as appropriate; and

(4) A commentary on adjustments and judgmental factors used in the study.

Depreciation studies shall be submitted to the Commission on a 3-year cycle. For example, railroads for which rates were prescribed in calendar year 1978 will be scheduled to submit

depreciation studies for the Commission's review in 1981. For those who had rates prescribed in 1979, the proposed submission year is 1982, and so on. The cycle can be interrupted if a railroad submits a study prior to its scheduled year, in which case a new 3-year cycle will begin.

Class II railroads may request waiver of the 3-year cyclical review, and depreciation studies would then be submitted when required by the Commission.

The Commission will assist railroads in implementing the proposed policy. The Bureau of Accounts will issue Accounting Series Circulars (ASC) to provide guidelines for depreciation studies when necessary. The Bureau will also make available to railroads computer software packages containing detailed documentation of data requirements and programs used by the Commission in depreciation analyses. Requesting railroads can receive the packages on either magnetic tapes or hard copy publications. The Commission, however, shall not be responsible for the conversion of the programs to specific computer systems.

The computer software packages are also available to Class III railroads; however, they are not required to submit depreciation studies.

Class I and Class II railroads are still required to submit annual data by June 30 of each year on Form ACV-159.

The effective date for this policy is June 1, 1980.

The public and the affected carriers are requested to study this proposal and submit their views and comments. Because regulatory costs are a major concern, we are asking railroads specifically to furnish estimates of additional costs to perform the depreciation studies. After the comments are reviewed, the Commission will publish a further notice which will discuss the general responses and make clarifications and notifications, if necessary.

We propose to adopt the revised Instructions 4-2 and 4-3 of Part 1201 as set forth in Appendix A.

The proposed rules do not appear to significantly affect the quality of the human environment or the consumption of energy.

This NPR is under the authority of 49 U.S.C. 10321 and 5 U.S.C. 553.

Decided: March 4, 1980.

By the Commission, Chairman Gaskins,
Vice Chairman Gresham, Commissioners
Stafford, Clapp, Trantum, and Alexis.

Agatha L. Mergenovich,
Secretary.

Appendix A

PART 1201—RAILROAD COMPANIES

Revise Instructions 4-2, "Rates of depreciation," and 4-3, "Depreciation records to be kept," paragraph (a), to read as follows:

4-2 *Rates of depreciation.* (a) A separate composite annual percentage rate for each depreciable property account, or a subgroup in that account, shall be used in computing annual depreciation expenses and accumulated depreciation. The composite rates shall be based on the results of railroads' depreciation studies. A depreciation study shall, in general, contain the following components:

- (i) Actuarial methods for determining service lives for road and equipment properties;
- (ii) Salvage value calculations for road and equipment properties;
- (iii) Accumulated depreciation for each account or subaccount as appropriate;
- (iv) Other factors and related calculations involving the depreciation process; and
- (v) A commentary on any adjustments and judgmental factors used in the study.

(b) Railroads shall submit to the Commission a report on depreciation studies and proposed depreciation rates every 3 years for review and approval. Railroads can, however, submit depreciation studies prior to its scheduled year, in which case a new 3-year cycle will begin.

(c) In computing monthly depreciation charges, the annual percentage rates shall be applied to the depreciation base of the first of each month and the results shall be divided by twelve.

4-3 *Depreciation records to be kept.*

(a) The carrier shall maintain for each class of property in convenient and accessible form engineering and other data bearing on prospective service lives.

* * * * *

[FR Doc. 80-9159 Filed 3-25-80; 8:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register

Vol. 45, No. 60

Wednesday, March 26, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Interest Rates Awarded in Reparation Proceedings; Proposed Policy Change

AGENCY: Office of the Secretary.

ACTION: Notice.

SUMMARY: The Department proposes to increase the interest rates to be applied to reparation awards issued under the Perishable Agricultural Commodities Act and the Packers and Stockyards Act.

DATES: Comments due on or before May 1, 1980.

ADDRESSES: Written comments, in triplicate, should be submitted to: Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: John Flanagan 202-447-3212.

SUPPLEMENTARY INFORMATION: Since June 1, 1980, (35 FR 6718) reparation awards issued pursuant to the provisions of the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. 499a *et seq.*), and the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), have provided for the payment of interest at the rate of 8 percent per annum in addition to payment of damages. Public notice is hereby given that the Secretary of Agriculture, through the Judicial Officer, proposes to award interest at the rate of 13 percent per annum on reparation awards issued under these Acts beginning June 1, 1980, in order to bring such rate more in line with current rates of interest.

All persons who want to send written comments about the proposed suspension should send three copies to the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, on or before May 1, 1980.

The comments that are sent will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Done at Washington, D.C., March 21, 1980.

Donald A. Campbell,

Judicial Officer.

[FR Doc. 80-9219 Filed 3-25-80; 8:45 am]

BILLING CODE 3410-02-M

Soil Conservation Service

Plymouth Coastal Dunes Critical Area Treatment; R.C. & D. Measure, Massachusetts

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a finding of no significant impact

FOR FURTHER INFORMATION CONTACT: Mr. Clifton E. Mills, Acting State Conservationist, Soil Conservation Service, 29 Cottage Street, Amherst, Massachusetts 01002, telephone 413-549-0650.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Plymouth Coastal Dunes Critical Area Treatment RC&D Measure, Plymouth County, Massachusetts.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Clifton E. Mills, Acting State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for streambank protection and erosion control. The planned works of improvement include vegetative plantings and snow fence to control wind erosion and encourage dune development, the erection of traffic control devices, and structural measures to control bank erosion along a 500 foot section of the Eel River. These structural measures will consist of a paved apron and berm along the parking lot with a

number of paved waterways on the riverbank to safely convey flows into the river.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Clifton E. Mills, Acting State Conservationist, Soil Conservation Service, 29 Cottage Street, Amherst, Massachusetts 01002, telephone 413-549-0650. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until April 25, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q)

Dated: March 13, 1980.

Edward E. Thomas,

Assistant Administrator for Land Resources.

[FR Doc. 80-9071 Filed 3-25-80; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

International Trade Administration

Certain Scales and Weighing Machinery From Japan; Final Countervailing Duty Determination

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Final countervailing duty determination.

SUMMARY: This notice is to inform the public that a countervailing duty investigation has resulted in a determination that the Government of Japan has given benefits which constitute subsidies within the meaning of the countervailing duty law on the manufacture, production, or exportation of certain scales and weighing machinery. Suspension of liquidation of entries shall continue, and cash deposit, bond or other security equal to the amount of the aggregate net subsidy set forth herein will be required at the time of entry in addition to duties normally collected on dutiable shipments of this merchandise.

EFFECTIVE DATE: March 26, 1980.

FOR FURTHER INFORMATION CONTACT: Charles F. Goldsmith, Office of Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 566-2951.

SUPPLEMENTARY INFORMATION: On August 23, 1979, a notice of "Preliminary Countervailing Duty Determination" was published in the *Federal Register* (44 FR 49549). The notice stated that benefits bestowed by the Government of Japan on the manufacture, production, or exportation of certain scales and weighing machinery constitute the payment of bounties or grants within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to as the "Act").

In a notice published in the *Federal Register* on February 27, 1980 (45 FR 12860), the Department informed the public that under the terms of section 102(a) of the Trade Agreements Act of 1979 (93 Stat. 189, 19 U.S.C. 1671 note) investigations under section 303 of the Act (19 U.S.C. 1303) which were pending when Title I of the Trade Agreements Act became effective on January 1, 1980 terminated. Furthermore, in investigations such as scales and weighing machinery where a preliminary, but not a final, determination had been made by January 1, the matter was to be treated as if a preliminary determination under section 703 of the Act (93 Stat. 152, 19 U.S.C. 1671(b)) had been made on January 1, 1980. In accordance with section 703(d) of the Trade Agreements Act (93 Stat. 153, 19 U.S.C. 1671(d)), the aggregate net amount of the subsidies provided, directly or indirectly, upon the manufacture, production or exportation of this merchandise was estimated to be 1 percent *ad valorem*, liquidation of entries was suspended effective January 1, 1980, and from January 1 until further notice a cash deposit, bond or other security in an amount equal to the net subsidy was required on all entries, or withdrawals from warehouse, for consumption. Imports covered by this investigation enter the United States under item numbers 662.26 and 662.30 of the Tariff Schedules of the United States Annotated (TSUSA).

The preliminary determination stated that benefits were provided under the following programs:

- (1) A 5-year deferral of income tax to be paid on export earnings through the operation of the Overseas Market Development Reserve (OMDR).
- (2) Export promotional assistance from the Japan External Trade Organization (JETRO).

It was also preliminarily determined that certain other programs did not constitute subsidies because the programs were not utilized by members of the industry under investigation. These programs are established under the "Temporary Measures Act for Small and Medium-Sized Businesses with Regard to the High Yen Exchange Market" (High Yen Act). The High Yen Act includes provisions relating to: (1) financing at interest rates lower than those commercially available; (2) deferred repayment of loans for up to 3 years for firms which had previously been granted loans under a preexisting program; (3) export insurance at premium rates lower than those commercially available; and (4) provisions for carryback of current year losses over a 3-year period on corporate and local taxes.

It was also preliminarily determined that certain incentives, such as preferential financing made by the People's Finance Corporation, the Bank for Commerce and Industrial Cooperatives, and the Small Business Finance Corporation, provided to small and medium-sized businesses did not constitute a subsidy. This finding was based on the facts that the programs involved were strictly domestic in nature, and a significant share of production of the subject merchandise was not exported. However, on November 29, 1979, the Court of Customs and Patent Appeals overturned the use of the administrative practice applied in this conclusion (*ASC Industries v. United States*, C.A.D. 1237). Accordingly, the existence and utilization of such benefits must be examined in the instant case.

Section 776 of the Tariff Act of 1930, as amended (93 Stat. 186, 19 U.S.C. 1677e) requires that all information used in final determinations be verified. Whenever such information is not produced in the form required and in a timely manner, the Department shall use the best information otherwise available. Verification in this case did not occur in time for its consideration in the final determination. The estimated countervailing duty reached in this determination may be revised after the opportunity has been taken to analyze the results of this verification.

It is hereby determined that the Government of Japan provides subsidies with respect to all programs discussed above, regardless of the conclusions presented in the preliminary determination. Based on the best information available to Commerce, in accordance with sections 355.33(d) and 355.39(b) of the Commerce Regulations

(19 CFR 355.33(d), 355.39(b), 45 FR 4946, 4947), and until further notice, the net amount of the subsidies provided on the merchandise subject to this determination has been estimated to be 4 percent of the f.o.b. value of the subject merchandise imported from Japan.

Effective on or after the publication date of this notice, and until further notice, upon the entry, or withdrawal from warehouse, for consumption of such scales and weighing machinery imported directly or indirectly from Japan, which benefit from these subsidies, there shall be collected, in addition to any other duties determined or estimated to be due, estimated countervailing duties in the form of cash deposit, bond or other security in the amount ascertained in accordance with the above declaration. The suspension of liquidation ordered in the notice published in the *Federal Register* of February 27, 1980 (45 FR 12860), remains in effect until further notice. However, the cash deposit, bond or other security required for entries made subsequent to the date of publication of this final determination shall be in an amount equal to the estimated net subsidies declared herein. To the extent that it can be established to the satisfaction of the Assistant Secretary for Trade Administration that imports of the subject merchandise from Japan are benefiting from a subsidy smaller than the amount which otherwise would be applicable under the above declaration, the smaller amount so established shall be collected.

This determination has been referred to the U.S. International Trade Commission under section 705(c) of the Act (93 Stat. 160, 19 U.S.C. 1671d(c)).

Any merchandise subject to the terms of this order shall be deemed to have benefited from a subsidy if such subsidy has been or will be provided, directly or indirectly, upon the manufacture, production or exportation of scales and weighing machinery from Japan.

This final determination is published pursuant to section 705(a)(1), Tariff Act of 1930, as amended (93 Stat. 159, 19 U.S.C. 1671d(a)(1)).

Stanley J. Marcuss,
Acting Assistant Secretary for Trade Administration.

March 17, 1980.

[FR Doc. 80-9067 Filed 3-25-80; 8:45 am]

BILLING CODE 3510-22-M

National Institutes of Health; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. at 666 11th Street, N.W. (Room 735) Washington, D.C.

Docket No.: 79-00396. Applicant: National Institutes of Health—Department of Health, Education, and Welfare, National Institute of Allergy and Infectious Diseases, Building 10, Room 11-R-311, Bethesda, Maryland 20205. Article: Gammacell-40, Cesium 137—Irradiation Unit GC-40, and Accessories. Manufacturer: Atomic Energy of Canada, Canada. Intended use of article: The article is intended to be used as a general purpose irradiator for mice, rats, hamsters, guinea pigs and rabbits as well as for tissue cultures and cellular products such as DNA molecules, etc. The greatest use will involve investigation of immunologic functions of various types from the administration of relatively low doses (200-300 rads) which permits the transplantation of foreign neoplasms to lethal dose in the 800-900 rad range followed by the transplantation of hematopoietic cells.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article, with a uniform dose rate of plus or minus 5 percent over a 30.5 cm diameter, has the capability of accurately duplicating experimental results and of providing a two-directional radiation source. The National Bureau of Standards advises in its memorandum dated January 9, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article

is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-9136 Filed 3-25-80; 8:45 am]

BILLING CODE 3510-25-M

University of Arizona; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. at 666-11th Street, N.W. (Room 735) Washington, D.C.

Docket No.: 79-00412. Applicant: University of Arizona, Room 220, New Chemistry Building, Tucson, Arizona 85721. Article: LKB 2127-001 Tachophor, Complete with Power Supply and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to separate and identify small molecular weight compounds from various biological samples. Specifically, the article will be used to measure the levels of various nucleotides (ATP, ADP, AMP, CTP, etc.) and pyridine nucleotides (NADP⁺, NAD⁺) in muscle and plant extracts and to determine the purity of synthetic compounds.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capability for counter flow isotachophoresis. The Department of Health, Education, and Welfare advises in its memorandum dated January 3, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article

is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Acting Director, Statutory Import Program Staff.

[FR Doc. 80-9139 Filed 3-25-80; 8:45 am]

BILLING CODE 3510-25-M

University of Illinois; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. at 666-11th Street, N.W. (Room 735) Washington, D.C.

Docket No.: 79-00450. Applicant: University of Illinois—Urbana-Champaign Campus, Purchasing Division, 223 Administration Building, Urbana, Illinois 61801. Article: Ion Microanalyzer System, Model IMS-3F. Manufacturer: Cameca Instruments, France. Intended use of article: The article is intended to be used for research involving the study of the three dimensional chemical composition of a wide variety of materials. The major areas of study are:

(1) Studies for understanding the critical role of dopant and impurity distribution and redistribution in the electronic and photoelectronic properties and electronic materials, i.e., silicon and the III-V semiconductors such as gallium arsenide, indium phosphide, and compounds grown epitaxially on these materials as substrates.

(2) Studies of the lateral and in-depth distributions of impurity elements in metals chosen for their structural and engineering importance.

(3) Determination of the lateral distribution of biologically important elements, particularly metals.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a mass resolving power of 5000 in the

spectroscopy mode and 10,000 in the spectrography mode. It is also equipped with an ultra high vacuum sample chamber with a capability 10^{-8} torr. The National Bureau of Standards advises in its memorandum dated January 14, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Acting Director Statutory Import Programs Staff.

[FR Doc. 80-9140 Filed 3-25-80; 8:45 am]

BILLING CODE 3510-25-M

Certain Firearms and Parts Thereof From Brazil, and Certain Ferroalloys From Brazil; Termination of Countervailing Duty Investigations

AGENCY: International Trade Administration; Commerce Department.

ACTION: Termination of countervailing duty investigations.

SUMMARY: This notice is to advise the public that the Department of Commerce is terminating its countervailing duty investigations with regard to certain firearms and parts thereof as well as certain ferroalloys from Brazil.

EFFECTIVE DATE: March 26, 1980.

FOR ADDITIONAL INFORMATION CONTACT: Robert Robeson, Office of Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 566-2323.

SUPPLEMENTARY INFORMATION: On April 5, 1979, a "Notice of Receipt of Countervailing Duty Petition and Initiation of Investigation" with respect to certain firearms and parts thereof from Brazil was published in the Federal Register (44 FR 20537). On September 14, 1979, it was determined preliminarily that certain programs of the Government of Brazil provided benefits on the production, manufacture or export of this merchandise (44 FR 53597). On January 1, 1980, the provisions of the Trade Agreements Act of 1979 (Pub. L. 96-39, 93 Stat. 144), amending the Tariff Act of 1930, became effective. Pursuant to section 703(d), Tariff Act of 1930, as

amended (93 Stat. 153, 19 U.S.C. 1671b), (hereinafter referred to as the "Act"), on January 1, 1980, liquidation of duties on all entries, or withdrawals from warehouse, of the subject merchandise was suspended, and a cash bond, deposit or other security equal to the estimated net subsidy was ordered collected on each entry. The petitioners in this case, the Winchester Group of the Olin Corporation, and Harrington and Richardson, Incorporated, have withdrawn their respective petitions and have requested that the investigation be terminated.

On May 11, 1979, a "Notice of Receipt of Countervailing Duty Petition and Initiation of Investigation" with regard to certain ferroalloys from Brazil was published in the Federal Register (44 FR 27782-3). On September 25, 1979, it was determined preliminarily that certain programs of the Government of Brazil provided benefits on the production, manufacture or export of this merchandise (44 FR 55263-4). Pursuant to section 703(d) of the Act, on January 1, 1980, liquidation of duties on all entries, or withdrawals from warehouse, of the subject merchandise was suspended, and a cash bond, deposit or other security equal to the estimated net subsidy was ordered collected on each entry. The petitioner in this case, the Ferroalloys Association, has withdrawn the petition and requested that the investigation be terminated.

The Department of Commerce has consulted with the appropriate officials from the International Trade Commission with regard to each of the above-named cases. It has been determined that a termination is in the public interest, and, therefore, pursuant to § 355.30, Commerce Regulations (19 CFR 355.30(a), 45 FR 4944) notice is hereby given that the countervailing duty investigations with regard to certain firearms and parts thereof as well as certain ferroalloys from Brazil. Accordingly, suspension of liquidation of duties with regard to the subject merchandise in each case is terminated, and such cash deposits, bonds or other securities which have been collected on entries of the subject merchandise pursuant to section 703(d)(2) of the Act are ordered refunded.

This notice is published pursuant to section 355.30(a), Commerce Regulations (19 CFR 355.30(a), 45 Fed. Reg. 4944).

Stanley J. Marcuss,
Acting Assistant Secretary for Trade Administration.

March 17, 1980.

[FR Doc. 80-9084 Filed 3-25-80; 8:45 am]

BILLING CODE 3510-22-M

Certain Textiles and Textile Mill Products From Pakistan

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Preliminary Countervailing Duty Determination.

SUMMARY: This notice is to inform the public that as a result of a determination on March 17, 1980, by the United States Trade Representative's Office that Pakistan is to be considered a country covered by the Agreement on Subsidies and Countervailing Measures, a preliminary determination is being issued that subsidies are being paid on the manufacture, production or exportation of men's and boys' apparel and textile mill products of cotton, wool and man-made fibers from Pakistan. A final determination is due no later than June 5, 1980, although it is anticipated that the final determination will be made well in advance of that date. The case is being referred to the United States International Trade Commission for a determination concerning injury to an industry in the United States.

EFFECTIVE DATE: March 17, 1980.

FOR FURTHER INFORMATION CONTACT: Donald W. Eiss, Office of Policy, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C., 20230; telephone (202) 566-8256.

SUPPLEMENTARY INFORMATION: On July 20, 1979, a notice of "Initiation of Countervailing Duty Investigation and Preliminary Determination" was published in the Federal Register in this case. This action involved the re-opening of an earlier countervailing duty case with respect to certain Pakistani textile and textile mill products. That case was concluded on July 13, 1979, with the issuance of a final affirmative determination. The re-opening of that proceeding was necessary in order to permit an investigation of a program discovered too late in the original investigation to be included in the initial final determination. Given the size of the possible subsidy involved (7.5 percent-12.5 percent *ad valorem*) and the fact that the program was introduced specifically to promote Pakistani textile exports, a simultaneous preliminary affirmative determination was issued.

On January 1, 1980, section 103 of the Trade Agreements Act of 1979 (Pub. L. 96-39; 93 Stat. 144, 190) (hereinafter referred to as the "TAA"), amended section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) (hereinafter referred to as "the Act") which section applies to all countries not a party to the Agreement on Subsidies and Countervailing

Measures. Section 303(b), as amended by section 103 of the TAA, requires the suspension of liquidation of all entries and the deposit of a cash deposit, bond or other security in an amount equal to the estimated net subsidy at the time of a preliminary determination that a subsidy is being bestowed. Therefore, on February 27, 1980, a notice was published in the *Federal Register* suspending liquidation and requiring a bond on all entries of Pakistani men's and boys' apparel and textile mill products made on or after January 1, 1980, the effective date of Title I of the TAA.

For purposes of this notice, "textile mill products" include yarns, fabrics, household textiles, miscellaneous products of textile mills, and certified handloomed and folklore products, made of cotton, wool and man-made fibers as specified in U.S. bilateral textile agreements and described by the Tariff Schedules of the United States Annotated (TSUSA) set forth in the appendix to the *Federal Register* notice published on October 13, 1978 (43 FR 47340). "Men's and boys' apparel" includes those items described by TSUSA item numbers in the appendix to the above-cited *Federal Register* notice.

On March 17, 1980, the U.S. Trade Representative's Office informed the Commerce Department on behalf of the President that Pakistan had been determined to be a "country under the Agreement" as set out in section 701(b) of the Act (93 Stat. 151, 19 U.S.C. 1671(b)). Therefore the provisions of Title VII of the Tariff Act of 1930 become applicable to this pending countervailing duty investigation. Section 102 of the TAA (93 Stat. 189, 19 U.S.C. 1671 note) provides that upon the effective date of the application of Title VII of the Tariff Act of 1930 with respect to a country, any pending investigation under section 303 of the Act shall terminate. In investigations where a preliminary, but not a final, determination had been made under section 303, the matter is to be treated as if a preliminary determination under section 703 of the Tariff Act of 1930 (93 Stat. 152, 19 U.S.C. 1671(b)), had been made on the date of application of Title VII to that country.

In the instant case, therefore, the preliminary affirmative determination and suspension of liquidation effective January 1, 1980, under section 303(b), as amended, is terminated. As a result of the affirmative "Preliminary Countervailing Duty Determination" which is hereby published today and is effective as of March 17, 1980, the date upon which Pakistan was declared a

"country under the Agreement" as defined in section 701(b) of Title VII of the Act (19 U.S.C. 1671), liquidation of entries will again be suspended effective March 17, 1980.

The suspension of liquidation, ordered in July 1979 will not serve to extend the period of potential liability for the payment of countervailing duties for benefits received under the export rebate program to a time earlier than the effective date of this preliminary determination; March 17, 1980.

Pursuant to section 703(d) of the Act (93 Stat. 153, 19 U.S.C. 1671(d)), the liquidation of entries of certain textiles and textile mill products from Pakistan will be suspended and, until further notice, a cash deposit, bond or other security, as deemed appropriate, in an amount equal to the estimated net subsidy as set out below shall be collected on all entries, or withdrawals from warehouse, for consumption of such merchandise which has been imported directly or indirectly from the country where manufactured or produced and has been determined preliminarily to receive subsidies. The estimated subsidies for purposes of this preliminary determination are as follows: (1) cotton yarn—7.5 percent; (2) grey cloth—10.0 percent; and (3) other cloth, thread, hosiery, towels, garments and made-ups—12.5 percent.

Pursuant to section 705(a) of the Act (93 Stat. 159, 19 U.S.C. 1671(d)), a final determination as to whether a subsidy is being provided with respect to certain textiles and textile mill products from Pakistan shall be made no later than June 9, 1980. However, in view of the present status of this investigation and the analysis already completed in this case, it is anticipated that a final determination will be issued significantly in advance of that date. The U.S. International Trade Commission is being notified of this action.

This notice is published pursuant to section 703(f) of the Act.

(93 Stat. 154, 19 U.S.C. 1781(b)(f)) and section 355.28, Commerce Regulations (19 CFR 355.28).

Stanley J. Marcuss,
Acting Assistant Secretary for Trade Administration.

March 17, 1980
[FR Doc. 80-9083 Filed 3-25-80; 8:45 am]
BILLING CODE 3510-22-M

Discrete Semiconductor Device Subcommittee of the Semiconductor Technical Advisory Committee; Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Discrete Semiconductor Device Subcommittee of the Semiconductor Technical Advisory Committee will be held on Tuesday, April 15, 1980, at 9:30 a.m. in Room 1626, Main Commerce Building, 14th Street and Constitution Avenue, NW., Washington, D.C.

The Semiconductor Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977, and August 28, 1978, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Assistant Secretary for Industry and Trade established the Discrete Semiconductor Device Subcommittee on February 9, 1979, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to semiconductor products including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls. The Discrete Semiconductor Device Subcommittee was formed to study transistor, diode, photoconductive, and thyristor semiconductor devices with the goal of making recommendations to the Department of Commerce relating to the appropriate parameters for controlling exports for reasons of national security.

The Subcommittee will meet only in Executive Session to discuss matters properly classified under Executive Order 11652 or 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Written statements may be submitted at any time before or after the meeting.

The Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 6,

1978, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, P.L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed during the Executive Session of the meeting have been properly classified under Executive Order 11652 or 12065. All Subcommittee members have appropriate security clearances.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Semiconductor Technical Advisory Committee and of any subcommittee thereof was published in the Federal Register on December 21, 1978 (43 FR 59537).

For further information contact Mrs. Margaret Cornejo, Office of Export Administration, International Trade Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, Phone (202) 377-2583.

Dated: March 21, 1980.

Kent Knowles,

*Director, Office of Export Administration,
International Trade Administration, U.S.
Department of Commerce.*

[FR Doc. 80-9207 Filed 3-25-80; 8:45 am]

BILLING CODE 3510-25-M

Hardware Subcommittee of the Computer Systems Technical Advisory Committee; Partially Closed Meetings

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Hardware Subcommittee of Computer Systems Technical Advisory Committee will be held on Tuesday, April 15, 1980, at 9:30 a.m. in Room 6802, Main Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977, and August 28, 1978, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of

1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Hardware Subcommittee of the Computer Systems Technical Advisory Committee was established on July 8, 1975, with the approval of the Director, Office of Export Administration, pursuant to the charter of the Committee. And, on October 16, 1978, the Assistant Secretary for Industry and Trade approved the continuation of the Subcommittee pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer systems, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls. The Hardware Subcommittee was formed to continue the work of the Performance Characteristics and Performance Measurements Subcommittee, pertaining to (1) maintenance of the processor performance tables and further investigation of total systems performance; and (2) investigation of array processors in terms of establishing the significance of these devices and determining the differences in characteristics of various types of these devices.

The Subcommittee meeting agenda has four parts:

General Session

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Final review of the performance analysis forms.

Executive Session

4. Discussion of matters properly classified under Executive Order 11652 or 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public; a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (4), the Assistant Secretary of Commerce for

Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 6, 1978, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, P.L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of national defense or foreign policy. All materials to be reviewed and discussed by the Subcommittee during the Executive Session of the meeting have been properly classified under Executive Order 11652 or 12065. All Subcommittee members have appropriate security clearances.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Computer Systems Technical Advisory Committee and of any Subcommittee thereof, was published in the Federal Register on September 14, 1978 (43 FR 41073).

Copies of the minutes of the General Session can be obtained by calling Mrs. Margaret Cornejo, Policy Planning Division, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, phone 202-377-2583.

For further information contact Mrs. Cornejo either in writing or by phone at the address or number shown above.

Dated: March 21, 1980.

Kent N. Knowles,

*Director, Office of Export Administration,
International Trade Administration, U.S.
Department of Commerce.*

[FR Doc. 80-9206 Filed 3-25-80; 8:45 am]

BILLING CODE 3510-25-M

Microcircuit Subcommittee of the Semiconductor Technical Advisory Committee; Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Microcircuit Subcommittee of the Semiconductor Technical Advisory Committee will be held on Tuesday, April 15, 1980, at 9:30 a.m. in Room 3708, Main Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D.C.

The Semiconductor Technical Advisory Committee was initially established on January 3, 1973. On

December 20, 1974, January 13, 1977, and August 28, 1978, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Microcircuit Subcommittee was established on December 28, 1977. On February 9, 1979, the Assistant Secretary for Industry and Trade approved the continuation of the Subcommittee pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to semiconductor products, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls. The Microcircuit Subcommittee was formed to study microcircuit and acoustic wave devices with the goal of making recommendations to the Department of Commerce relating to the appropriate parameters for controlling exports for reasons of national security.

The Subcommittee will meet only in Executive Session to discuss matters properly classified under Executive Order 11652 or 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Written statements may be submitted at any time before or after the meeting.

The Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 6, 1978, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, P.L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(3)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed during the Executive Session of the

meeting have been properly classified under Executive Order 11652 or 12065. All Subcommittee members have appropriate security clearances.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Semiconductor Technical Advisory Committee and of any subcommittees thereof was published in the Federal Register on December 21, 1978 (43 FR 59537).

For further information contact Mrs. Margaret Cornejo, Office of Export Administration, International Trade Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, phone 202-377-2583.

Dated: March 21, 1980.

Kent Knowles,

Office of Export Administration, International Trade Administration, U.S. Department of Commerce.

[FR Doc. 80-9204 Filed 3-25-80; 8:45 am]

BILLING CODE 3510-25-M

Semiconductor Manufacturing Materials and Equipment Subcommittee of the Semiconductor Technical Advisory Committee; Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Semiconductor Manufacturing Materials and Equipment Subcommittee of the Semiconductor Technical Advisory Committee will be held on Tuesday, April 15, 1980, at 9:30 a.m. in Room 5611, Main Commerce Building, 14th Street and Constitution Avenue NW., Washington, D.C.

The Semiconductor Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977, and August 28, 1978, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Assistant Secretary for Industry and Trade established the Semiconductor Manufacturing Materials and Equipment Subcommittee on February 9, 1979, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls

applicable to semiconductor products, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls. The Semiconductor Manufacturing Materials and Equipment Subcommittee was formed to study the technical and strategic value of semiconductor device production equipment and materials for the purpose of maintaining a continuous review of the export control technical parameters, and the formulation of recommendations to the Commerce Department for parameter updating as appropriate for reasons of national security.

The Subcommittee will meet only in Executive Session to discuss matters properly classified under Executive Order 11652 or 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Written statements may be submitted at any time before or after the meeting.

The Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 6, 1978, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, P.L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(3)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed during the Executive Session of the meeting have been properly classified under Executive Order 11652 or 12065. All Subcommittee members have appropriate security clearances.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Semiconductor Technical Advisory Committee and of any subcommittee thereof was published in the Federal Register on December 21, 1978 (43 FR 59537).

For further information contact Mrs. Margaret Cornejo, Office of Export Administration, International Trade Administration, Room 1617M, U.S.

Department of Commerce, Washington, D.C. 20230, Phone (202) 377-2583.

Dated: March 21, 1980.

Kent Knowles,
Director, Office of Export Administration,
International Trade Administration, U.S.
Department of Commerce.

[FR Doc. 80-9205 Filed 3-25-80; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting Levels of Restraint for Certain Cotton and Man-Made Fiber Textile Products Exported From Haiti

AGENCY: Committee for the
Implementation of Textile Agreements.

ACTION: (1) Amending the bilateral
agreement to establish a new specific
ceiling for cotton and man-made fiber
brassieres merged into Category 349/649
at an increased level; and (2) increasing
that level by the application of swing
taken from the level of restraint for
Category 632 (hosiery), both during the
agreement year which began on May 1,
1979.

(A detailed description of the textile
categories in terms of T.S.U.S.A.
numbers was published in the Federal
Register on February 28, 1980 (45 FR
13172).)

SUMMARY: The Governments of the
United States and Haiti have exchanged
notes amending the Bilateral Cotton,
Wool and Man-Made Fiber Textile
Agreement of August 17, 1979, between
the two governments, to establish a
specific ceiling for merged Categories
349 and 649 at the increased level of
1,168,819 dozen. Pursuant to the terms of
the amended bilateral agreement and at
the request of the Government of Haiti,
swing is being applied to the new level
for Category 349/649, increasing it to
1,250,636 dozen. The level of restraint for
Category 632 from which the swing is
being taken is thereby reduced to
1,545,060 dozen pairs.

EFFECTIVE DATE: March 26, 1980.

FOR FURTHER INFORMATION CONTACT:
Ross Arnold, International Trade
Specialist, Office of Textiles and
Apparel, U.S. Department of Commerce,
Washington, D.C. 20230 (202/377-5423).

SUPPLEMENTARY INFORMATION: On
November 14, 1979, there was published
in the Federal Register (44 FR 65620) a
letter dated November 7, 1979 from the
Chairman of the Committee for the
Implementation of Textile Agreements
establishing levels of restraint for
certain categories of cotton and man-
made fiber textile products, including

Categories 632 and 649, which may be
entered into the United States or
withdrawn from warehouse for
consumption during the twelve-month
period which began on May 1, 1979,
pursuant to the terms of a new
multifiber textile agreement with Haiti.
In the letter published below the
Chairman for the Committee for the
Implementation of Textile Agreements
directs the Commissioner of Customs to
increase the level of restraint for the
newly-merged Category 349/649 and
reduce the previously established level
for Category 632 to the amounts
designated.

Paul T. O'Day,

Chairman, Committee for the Implementation
of Textile Agreements.

March 21, 1980.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington,
D.C.

Dear Mr. Commissioner: This directive
amends, but does not cancel, the directive of
November 7, 1979 from the Chairman of the
Committee for the Implementation of Textile
Agreements which directed you to prohibit
entry during the twelve-month period
beginning on May 1, 1979 and extending
through April 30, 1980 of cotton and man-
made fiber textile products in certain
specified categories, produced or
manufactured in Haiti, in excess of
designated levels of restraint. The directive of
November 7, 1979 further advised you that
the levels of restraint are subject to
adjustment.¹

Under the terms of the Arrangement
Regarding International Trade in Textiles
done at Geneva on December 20, 1973, as
extended on December 15, 1977; pursuant to
the Bilateral Cotton, Wool and Man-Made
Fiber Textile Agreement of August 17, 1979,
as amended between the Governments of the
United States and Haiti; and in accordance
with the provisions of Executive Order 11651
of March 3, 1972, as amended by Executive
Order 11951 of January 6, 1977, you are
directed to prohibit, effective on March 26,
1980 and for the twelve-month period
beginning on May 1, 1979 and extending
through April 30, 1980, entry into the United
States for consumption and withdrawal from

¹ The term "adjustment" refers to those provisions
of the Bilateral Cotton, Wool and Man-Made Fiber
Textile Agreement of August 17, 1979, as amended,
between the Governments of the United States and
Haiti which provide, in part, that: (1) for the second
and third agreement years, each specific limit,
except for Category 349/649, may be increased by
seven percent annually; (2) any specific ceiling may
be exceeded in any agreement year by not more
than seven percent of its square yards equivalent
total, provided that the amount of the increase is
compensated for by an equivalent decrease in one
or more specific limits; (3) specific limits may also
be increased for carryover and carryforward up to
11 percent of the applicable category limit; and (4)
administrative arrangements or adjustments may be
made to resolve minor problems arising in the
implementation of the agreement.

warehouse for consumption of Categories
349/649 and 632, produced or manufactured
in Haiti, in excess of the following levels of
restraint:

Category	Amended twelve-month level of restraint
349/649	1,250,636 dozen
632	1,545,060 dozen pairs

Textile products in Category 349 which
have been exported to United States prior to
May 1, 1979 shall not be subject to this
directive.

Textile products in Category 349 which
have been released from the custody of the
U.S. Customs Service under the provisions of
19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the
effective date of this directive shall not be
denied entry under this directive.

The actions taken with respect to the
Government of Haiti and with respect to
imports of cotton and man-made fiber textile
products from Haiti have been determined by
the Committee for the Implementation of
Textile Agreements to involve foreign affairs
functions of the United States. Therefore,
these directions to the Commissioner of
Customs, which are necessary for the
implementation of such actions, fall within
the foreign affairs exception to the rule-
making provisions of 5 U.S.C. 553. This letter
will be published in the Federal Register.

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation
of Textile Agreements.

[FR Doc. 80-9123 Filed 3-25-80; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

March 17, 1980.

The USAF Scientific Advisory Board
Armament Division Advisory Group will
meet on April 28 and 29, 1980, from 8:30
a.m. to 4:30 p.m. at the Armament
Division, Eglin AFB, Florida, in Building
1, Room 204.

The group will receive classified
briefings and participate in classified
discussions relating to Air Force Anti-
Armor and Airfield Attack Technology
Programs.

The meetings concern matters listed
in Section 552b(c) of Title 5, United
States Code, specifically subparagraph
(1) thereof, and accordingly the meetings
will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697-8404.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 80-9074 Filed 3-25-80; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Corps of Engineers

Second Bridge Crossing Over the Chesapeake and Delaware Canal at Chesapeake City, Md.; Draft Environmental Impact Statement

AGENCY: U.S. Army Corps of Engineers, Philadelphia District.

ACTION: Notice of intent to prepare a draft environmental impact statement (DEIS).

SUMMARY: 1. The proposed action studies the need for, and alternative methods of, providing additional highway traffic capacity across the Chesapeake and Delaware Canal.

2. Alternatives considered include a group of four bridge alignments for a new two-lane bridge, tunnels, utilization of other bridges, the no action alternative and rerouting truck traffic.

3. The scoping process for this project was initiated at the early study stages and continues throughout each iteration. Agency contributions to the work presently include the U.S. Fish and Wildlife Service, the Maryland Historical Trust, the Maryland State Highway Administration, the Mayor and Council of Chesapeake City, Maryland and the Cecil County (Maryland) Board of Commissioners. In addition, the Association of Maryland Pilots, the Maryland Departments of Natural Resources and State Planning, the U.S. Coast Guard and the Federal Highway Administration were consulted. The appropriate Congressmen and State Legislators have been apprised of these actions along with other Federal and State Officers.

Public involvement commenced late in February with the first of a program of public meetings and workshops. Transcripts of those events will become public documents and knowledge resulting from the meetings included in the DEIS.

Significant issues surfacing in the study stages include concern for strip commercialization of approach roads, degradation of community well-being and cultural resources, reduction of tax-rates, real determination of need and environmental impact on adjacent waterways and agricultural lands.

In conjunction with the study participants cited above, a mailing list of local, regional and Federal agencies and individuals is utilized for additional participation in and review of this project. Each of these sources will be utilized in circulation of the DEIS.

4. It is not anticipated that further scoping meetings will be necessary.

5. It is anticipated that the DEIS will be available for public comment December, 1980.

ADDRESS: Questions about the proposed action and DEIS can be answered by: Dr. John A. Burnes, Chief, Environmental Resources Branch, U.S. Army Corps of Engineers, Philadelphia District, Custom House, 2d and Chestnut Streets, Philadelphia, PA 19106.

Dated: 18 March 1980.

John A. Burnes,

Chief, Environmental Resources Branch.

[FR Doc. 80-9072 Filed 3-25-80; 8:45 am]

BILLING CODE 3710-GR-M

DEPARTMENT OF ENERGY

National Petroleum Council; Oil Supply, Demand, and Logistics Task Group, Refinery Capability Task Group and the Coordinating Subcommittee of the Committee on Refinery Flexibility; Meetings

Notice is hereby given that the Oil Supply, Demand and Logistics Task Group, the Refinery Capability Task Group and the Coordinating Subcommittee of the National Petroleum Council's (NPC) Committee on Refinery Flexibility will meet on Monday, April 7; Tuesday, April 8 and Friday, April 11, 1980, respectively in Suite 601 of the NPC Headquarters, 1625 K Street, N.W., Washington, D.C. Both Task Group meetings will begin at 9:00 a.m. The Coordinating Subcommittee meeting will begin at 10:00 a.m.

The National Petroleum Council provides technical advice and information to the Secretary of Energy on matters relating to oil and gas or the oil and gas industries. Accordingly, the Committee on Refinery Flexibility has been requested by the Secretary to undertake an analysis of the factors affecting crude oil quality and availability and the ability of the refining industry to process such crudes into marketable products. This analysis will be based on information and data to be gathered by the Oil Supply, Demand, and Logistics Task Group and the Refinery Capability Task Group, whose efforts will be coordinated by the Coordinating Subcommittee. The tentative agendas and exact locations of the meetings are as follows:

Agenda for the Oil Supply, Demand and Logistics Task Group meeting, Monday, April 7, 1980, beginning at 9:00 a.m.:

1. Review and discuss revised supply/demand aggregations.
 2. Review and discuss crude quality data.
 3. Review data requirements of the Refinery Capability Task Group.
 4. Discuss assignments and schedule for completion of the Task Group's assignments.
 5. Discuss any other matters pertinent to the overall assignment of the Task Group.
- Agenda for the Refinery Capability Task Group meeting, Tuesday, April 8, 1980, beginning at 9:00 a.m.:

1. Review and approve minutes of the February 6, 1980 meeting of the Task Group.
2. Review and discuss progress of individual Task Group members' assignments.

3. Discuss any other matters pertinent to the overall assignment of the Task Group.

Agenda for the Coordinating Subcommittee Meeting, Friday, April 11, beginning at 10:00 a.m.:

1. Review and discuss the progress of the Refinery Capability Task Group.
2. Review and discuss the progress of the Oil Supply, Demand and Logistics Task Group.
3. Discuss assignments and schedule for completion of the Subcommittee's assignments.
4. Discuss any other matters pertinent to the overall assignment of the Coordinating Subcommittee.

All meetings are open to the public. The Chairmen of the Task Groups and the Subcommittee are empowered to conduct the meetings in a fashion that will, in their judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with either the Task Groups or the Subcommittee will be permitted to do so, either before or after the meetings. Members of the public who wish to make oral statements at any of the meetings should inform Mr. Marshall Nichols, National Petroleum Council, (202) 393-6100, prior to the meeting, and provision will be made for the appearance on the respective agendas. Transcripts of the Coordinating Subcommittee meeting will be available for public review at the Freedom of Information Public Reading Room, Room 5B-180, Department of Energy, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on March 20, 1980.

R. Dobie Langenkamp,

Deputy Assistant Secretary for Resource Development and Operations.

[FR Doc. 80-9068 Filed 3-25-80; 8:45 am]

BILLING CODE 6450-01-M

Alaska Power Administration**Order Confirming and Approving Extension of Power Rate for Snettisham Project On an Interim Basis**

AGENCY: Alaska Power Administration (APA), Department of Energy.

ACTION: Notice of Extension of Power Rate on an Interim Basis, Snettisham Project.

SUMMARY: The Federal Energy Regulatory Commission (FERC) has not taken action on the Snettisham Project rate submitted by the Assistant Secretary for Resource Applications on March 9, 1979. The current power rate remains in effect only through March 31, 1980, in the absence of action by the FERC. Such action is not expected prior to April 1, 1980. For this reason, it is necessary to confirm and approve an extension of the Snettisham Project Power Rate Schedule SN-F-1 as provided in the attached APA-3 rate order.

DATES: Extension of approval of rate on an interim basis is effective April 1, 1980.

FOR FURTHER INFORMATION CONTACT:

Robert J. Cross, Administrator, Alaska Power Administration, Department of Energy, P.O. Box 50, Juneau, Alaska 99802 (907) 586-7405
James A. Braxdale, Office of Power Marketing Coordination, Department of Energy, 12th and Pennsylvania Avenue, N.W., Washington, DC 20461 (202) 633-8338

SUPPLEMENTARY INFORMATION: The Snettisham Project Power Rate Schedule SN-F-1 was approved by the Secretary of the Interior for the 5-year period from December 1, 1973, through November 30, 1978. On November 28, 1978, the Assistant Secretary for Resource Applications of the Department of Energy extended the rate schedule for a period of 4 months through March 31, 1979. By Delegation Order No. 0204-33, effective January 1, 1979, 43 FR 60636 (December 28, 1978), the Secretary of Energy delegated to the Assistant Secretary for Resource Applications the authority to confirm, approve, and place in effect power and transmission rates on an interim basis and delegated to the FERC the authority to confirm and approve such rates on a final basis.

On March 9, 1979, the Assistant Secretary for Resource Applications confirmed and approved, on an interim basis, an extension of Rate Schedule SN-F-1 for wholesale firm power service from the Snettisham Project, Alaska, effective April 1, 1979, 44 FR 16470 (March 19, 1979). This rate was to remain in effect on an interim basis for a period of 12 months unless such period

was extended or until the FERC confirmed and approved it on a final basis.

Issued in Washington, DC March 20, 1980.
Ruth M. Davis,
Assistant Secretary, Resource Applications.

United States of America, Department of Energy, Assistant Secretary for Resource Applications

In the Matter of: Alaska Power Administration—Snettisham Project Power Rates; Rate Order No. APA-3

Order Confirming and Approving Extension of Power Rates On an Interim Basis (March 20, 1980)

Pursuant to Section 302(a) of the Department of Energy Organization Act, Public Law 95-91, the functions of the Secretary of the Interior under Section 204 of the Flood Control Act of 1962, Public Law 87-874, 76 Stat. 1173, 1193, for the Snettisham Project were transferred to and vested in the Secretary of Energy. By Delegation Order No. 0204-33, effective January 1, 1979, 43 FR 60636 (December 28, 1978), the Secretary of Energy delegated to the Assistant Secretary for Resource Applications the authority to develop power and transmission rates, acting by and through the Administrator, and to confirm, approve, and place in effect such rates on an interim basis and delegated to the Federal Energy Regulatory Commission the authority to confirm and approve on a final basis or to disapprove rates developed by the Assistant Secretary under the delegation. This rate order is issued pursuant to the delegation to the Assistant Secretary.

Background

Rate Schedule SN-F-1, for wholesale firm power service from the Snettisham Project was approved by the Secretary of the Interior, effective December 1, 1973, through November 30, 1978. The rate schedule was subsequently extended on November 28, 1978, through March 31, 1979, under the authority of the Assistant Secretary for Resource Applications.

On March 9, 1979, the former Assistant Secretary for Resource Applications confirmed and approved a 12-month extension of the existing rate on an interim basis, effective April 1, 1979, 44 FR 16470 (March 19, 1979), and requested confirmation and approval on a final basis by the Federal Energy Regulatory Commission of an extension of Rate Schedule SN-F-1. The intent of the rate order was to request final approval for the period April 1, 1979, through November 30, 1983.

Inasmuch as the Federal Energy Regulatory Commission is not expected to complete its confirmation and approval of the Snettisham Project power rate by March 31, 1980, a further extension of the interim rate is necessary.

Information regarding the March 9, 1979, rate extension and this rate extension, including studies, comments, transcripts and other supporting material, is available for public review in the offices of the Alaska Power Administration, Room 825, Federal Building, 709 West Ninth Street, Juneau,

Alaska 99802 and in the office of the Director, Office of Power Marketing Coordination, 12th and Pennsylvania Avenue, N.W., Washington, DC 20461.

Order

In view of the foregoing and pursuant to the authority delegated to me by the Secretary of Energy, I hereby confirm and approve on the interim basis, effective April 1, 1980, an extension of attached Rate Schedule SN-F-1 for the sale of power from the Snettisham Project by the Alaska Power Administration. This rate shall remain in effect on an interim basis for a period of 12 months unless such period is extended or until the Federal Energy Regulatory Commission confirms and approves it or a substitute rate on a final basis.

Issued at Washington, D.C., March 20, 1980.
Ruth M. Davis,

Assistant Secretary, Resource Applications.

United States Department of Energy, Alaska Power Administration; Snettisham Project, Alaska

Schedule of Rates for Wholesale Firm Power Service

Effective: December 1, 1973.

Available: In the area served by the Snettisham Project, Alaska.

Applicable: To wholesale power customers for general power service.

Character of Service: Alternating current, 60 hertz, three-phase.

Monthly Rate: Capacity charge: None.

Energy Charge: All energy at 15.6 mills per kilowatt-hour.

Minimum Annual Capacity Charge: None.

Minimum Annual Energy Charge: As provided for under appropriate contract terms.

Adjustments.—For Transformer Losses: If delivery is made at the high-voltage side of customer's substation but metered at the low-voltage side, the meter readings will be increased two percent to compensate for transformer losses.

For Power Factor: The customer will normally be required to maintain a power factor at the point of delivery of no less than 90 percent. Adjustments for low power factor will be provided for under appropriate contract terms.

For Auxiliary Power Service: Auxiliary power supplies may be used in conjunction with the service hereunder if the parties hereto, prior to the Contractor's utilization of any such auxiliary power supply, have entered into a written operating agreement defining the procedure by which the amount of power and energy supplied by the United States will be determined.

[FR Doc. 80-9208 Filed 3-25-80; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration**Mandan Project: Notice of Intent To Prepare an Environmental Impact Statement and Conduct Public Scoping Meetings**

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice is hereby given that the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) intends to prepare an Environmental Impact Statement (EIS) to assess the environmental implications of a proposed ERA action: to grant or deny a permit authorizing the Nebraska Public Power District (NPPD) to construct, connect, operate and maintain electric transmission facilities in North Dakota at the international border between the United States and Canada.

SUMMARY: On December 21, 1979, the Nebraska Public Power District (NPPD) filed an application with the Economic Regulatory Administration (ERA) for a Presidential Permit, pursuant to Executive Order No. 10485, as amended. NPPD requests authority to construct, connect, operate and maintain a 500-kilovolt interconnection at the United States-Canadian border. In addition, NPPD proposes to construct more than 400 miles of overhead transmission line from Nebraska through South Dakota and North Dakota to interconnect with a similar line owned and operated by the Manitoba Hydro Electric Board.

Interested agencies, organizations, and the general public desiring to submit written comments or suggestions for consideration in connection with the preparation of this EIS are invited to do so and/or to attend one of the public scoping meetings which will be held during the week of April 21, 1980, in order to assist DOE in identifying significant environmental issues and the appropriate scope of the EIS. Parties who desire to present oral comments at one of the scoping meetings should provide advance notice to ERA as described below under Comments and Scoping Meeting. Upon completion of the draft EIS, its availability will be announced in the *Federal Register*, at which time comments will be solicited.

Written comments may be addressed to:

Mr. James M. Brown, Jr., System Reliability & Emergency Response Branch, Economic Regulatory Administration, Room 4110-E, 2000 M Street, NW., Washington, D.C. 20461

For general information on the EIS process contact:

NEPA Affairs Division, Office of the Assistant Secretary for Environment, U.S. Department of Energy, ATTN: Ms. Susan Walker, Room 4G-064, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585

DATES: Scoping meeting: 7:00 p.m., April 21, and 9:00 a.m., April 22, 1980, in Jamestown, North Dakota at the Holiday Inn located at 111 2nd St., NE;

1:00 p.m. and 7:00 p.m., April 23, 1980, in Mitchell, South Dakota at the Mitchell City Hall located at 612 N. Main;

2:00 p.m. and 7:00 p.m., April 24, 1980 in Norfolk, Nebraska at the Best Western Villa Inn located at 1227 Omaha Ave., Norfolk, Nebraska.

WRITTEN COMMENTS DUE: May 30, 1980.

BACKGROUND INFORMATION: The impetus for the project, as perceived by NPPL, arises from two principal considerations. First, the different seasonal variation of electric power load between Manitoba Hydro (peak load in winter) and most mid-continent U.S. electric utilities (peak load in summer) would allow seasonal diversity exchanges of electric energy between Manitoba Hydro and U.S. utilities, if adequate transmission facilities were provided. Several benefits to U.S. and Canadian consumers could be expected from such exchanges, including lower costs for electricity and the reduced use of petroleum fuels for generation.

Second, during years of normal or better water supply, Manitoba Hydro should have excess electric energy available for sale to U.S. utilities. The production cost of such energy is low and the purchases of this electricity by utilities in the United States could result in some additional savings to consumers. Also, no consumption of oil, gas or coal is required for such generation, and no air pollution results. Another potential benefit is the possibility of increased reliability of electric service by the United States utilities linked to the proposed transmission line.

The proposed project will have associated cost and risk which should be weighed against potential benefits, including the cost of constructing some 400 miles of 500 kV transmission line within the U.S. and the energy losses in transmission. NPPD has estimated the construction cost at about \$500 million (1979 dollars). Transmission energy losses likely would be of the order of ten percent. Environmental costs also would be incurred, and a major purpose of the EIS is to assess these for the proposed project and for alternatives to it.

In addition, there are inherent risks in any project involving significant reliance on a foreign country for firm power deliveries because DOE and the Federal Energy Regulatory Commission lack the jurisdiction to compel conformance to a negotiated contract as they have over domestic utilities. DOE has been assured that the policy of the National Energy Board of Canada is explicit on the sanctity of contractual obligations regarding firm power exports; however, a government policy may change at any

time. Accordingly, there is the possibility of future price increases by the Canadian suppliers and the potential ordered curtailment of foreign electricity exports by Canada's National Energy Board which must be considered. The Economic Regulatory Administration of the DOE has these same authorities as to electricity exports from the United States.

ERA is involved with the proposed project because a Presidential Permit is specifically required for construction, connection, operation and maintenance of electric transmission facilities at an international boundary of the U.S., under Executive Order No. 10485 and No. 12038. Authority to grant (or deny) such permits has been delegated to the Secretary of Energy and, by the Secretary, to the Administrator of ERA. NPPD applied for a permit in connection with the project on December 21, 1979. ERA has accepted the application subject to the supplemental filing of certain materials. One of the actions required of NPPD prior to an ERA decision is preparation of an Environmental Report.

Preliminary Definition of Environmental Issues.—The purpose of this notice is to solicit comments and suggestions for consideration in preparation of the EIS. As background for public comment and suggestions, either written or made orally at one of the scoping meetings, it is useful to list those environmental issues which have been tentatively identified for analysis and assessment in the EIS. This list is not intended to be all-inclusive nor to imply any predetermination of impacts. Additional issues for analysis may be identified as the result of public comment.

Environmental Issues Associated with Transmission Line Construction.—A number of environmental effects would result from construction of the proposed line including:

- (1) temporary disruption of wildlife communities, agricultural production and other land uses along the line route during actual construction;
- (2) temporary interference with aquatic life at and downstream of construction crossings, and long term effects from induced stream sediment deposits and from induced erosion;
- (3) permanent removal of tall growing vegetative species from the right of way, and of all vegetation from tower footings, access roads and substation sites;
- (4) temporary socio-economic perturbations due to the influx of construction workers into sparsely populated areas;

(5) temporary noise and air pollution resulting from operation of construction equipment and from burning of right-of-way slash; and

(6) permanent visual impacts.

Environmental Issues Associated with Transmission Line Operation and Maintenance include:

(1) continuing limitation on the feasibility or efficiency of some agricultural activities within the right-of-way, particularly of irrigation devices;

(2) periodic interference with plant and wildlife communities along the right-of-way, due to the required maintenance activities, particularly vegetation control;

(3) generation of acoustic noise and electromagnetic interference to radio and television reception along the right-of-way;

(4) possible biological effects such as reduced growth or viability for plant and animal species resident within or in proximity to the right-of-way;

(5) possibly long term effects due to the use of herbicides for vegetation control; and

(6) indirect ecological and socio-economic effects resulting from easier unauthorized human access to some areas via access roads and right-of-way, such as increased hunting or use by motorcycles of snowmobiles.

Other Specific Environmental Issues.—A number of other specific environmental issues will be addressed in the EIS. Such issues include:

(1) The possibility of affecting threatened or endangered species or critical habitats for such species;

(2) Identification and review of alternatives to construction within a 100-year floodplain or identified wetland and identification and review of mitigating measures to be taken if it is found that there are no practicable alternatives to construction in a floodplain or wetland;

(3) Possible direct and adverse effects on the values for which a wild scenic or recreational river was established;

Environmental factors relevant to any proposed construction in or over navigable rivers, or to any proposed actions resulting in the discharge of dredge or fill materials into any waters of the U.S.;

(5) Actions having an impact on the continued use and viability of prime and unique farmlands;

(6) Possible effects on sites or properties included on, nominated for, or eligible for inclusion in the National Register of Historic Places, or on historical, architectural or archeological sites of national significance.

Preliminary Definition of Alternatives.—Consideration of

alternatives to the proposed action, and the assessment of the environmental impacts to be expected from each alternative, including the proposed action, is the major purpose of each EIS. As background for public comments and suggestions concerning reasonable alternatives to be considered, the broad classes of alternatives which have been tentatively identified are described briefly below. Three alternative Federal actions are possible: (a) to grant a permit on the basis of NPPD's completed application (including supporting materials such as the ER which will not be completed until December 1980), (b) to deny the permit, or (c) to grant a permit subject to conditions on the applicant's future actions beyond adherence to the actions proposed in the application. However, substantive environmental consequences of each of the possible Federal decisions would result from the subsequent course of action followed by NPPD (and other affected utilities) in response to the decision. It is, therefore, the reasonable alternatives available to NPPD and other mid-continent U.S. utilities which must be considered in the EIS.

Major Types of Utility Alternatives.—Several major types of alternatives have been tentatively identified. These are not mutually exclusive. That is, each utility, could implement more than one type of alternative.

(1) *The proposed action*, construction and operation of the MANDAN transmission system, which would reduce the maximum level of generation required in the mid-continent region at seasonal peak loads and perhaps the average annual energy generated by U.S. utilities;

(2) *The traditional course of action* of continuing the operation of oil and coal fueled generating plants as necessary to meet load, and the construction of new plants as necessary to satisfy future increases in load;

(3) *Develop and construct new types of generating plants*, for example, driven by sun and wind, which could reduce the need for generation fueled by oil or coal or for future construction of conventional generating plants; and/or

(4) *Load management* by energy storage or conservation, or replacement of some end uses of electricity by other sources of energy, which would reduce seasonal variations in load and total annual electrical energy requirements.

(5) *Purchases from utilities within the United States.*

Mitigation Alternatives.—The environmental impacts which would result from construction and operation of the proposed MANDAN project would depend on the choice among a

number of alternative choices as to where, when and how the project was constructed, as well as the choice of alternative maintenance and repair procedures during operation. Tentatively identified groups of alternatives for consideration in the EIS include (a) design, (b) route selection, (c) construction practices and (seasonal) timing, (d) right-of-way clearing procedures, and (e) right-of-way maintenance practices.

Comments and Scoping Meeting.—The scoping meetings will be conducted informally with the presiding officer affording all interested individuals in attendance an opportunity to speak. A transcript of the meetings will be recorded. The Economic Regulatory Administration has designated Mr. James M. Brown, Jr., as presiding officer at these meetings. The presiding officer will establish the order of speakers and provide any additional procedures necessary for the conduct of the meetings.

Speakers will be allotted approximately fifteen minutes for their oral statements. Should any speaker desire to have additional time or to provide further information for the record, such additional information may be submitted in writing by May 30, 1980. Written comments will be considered and given equal weight with oral comments.

A transcript of the scoping meetings will be retained by DOE and made available for inspection at the Freedom of Information Library, Room GA152, Forrestal Bldg., 1000 Independence Ave., N.W., Washington, D.C. 20585, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. In addition, anyone may make arrangements with the reporter to purchase a copy of the transcripts.

Draft EIS Schedule and Availability.—The draft EIS (DEIS) will be completed by June 30, 1981, at which time its availability will be announced in the Federal Register and public comment will again be solicited.

Those individuals who do not wish to submit comments or suggestions at this time but who would like to receive a copy of the DEIS for review and comments when it is issued should notify J. M. Brown at the address given in the Summary section above. Those seeking further information may inquire of either Mr. Brown or Ms. Susan Walker.

Copies of the applicants' Environmental Report and other documents to be used in preparation of the DEIS will be made available for public inspection at several public libraries or reading rooms within North

Dakota, South Dakota and Nebraska, and at a number of DOE locations throughout the U.S. A notice of the locations for such availability will be published in the *Federal Register* during January, 1981, when the permit application is expected to be complete.

Dated: March 21, 1980.

Carl A. Eifert,

Acting Assistant Secretary for Environment.

[FR Doc. 80-9209 Filed 3-25-80; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 2812]

Appalachian Power Co.; Grant Additional Time

March 18, 1980.

On March 10, 1980, the Virginia Council on the Environment requested telephonically that additional time until March 26, 1980, be allowed for submitting comments on staff's Environmental Assessment (EA) and Finding of No Significant Impact (FNSI) for the preliminary permit application to study the feasibility of the proposed Brumley Gap Pumped-Storage Hydroelectric Project No. 2812. The Council states that it needs additional time in order to secure and coordinate the comments from various State agencies interested in the application.

The applicant and the Sierra Club and Coalition of Appalachian Energy Consumers, intervenors in this proceeding, have advised staff counsel that they do not object to setting March 26, 1980, as the cut-off date for receipt of comments. Accordingly, it appears to be in the public interest to receive and consider comments on the staff's EA and FNSI for the Brumley Gap Project No. 2812 until March 26, 1980.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-9111 Filed 3-25-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA80-1-22 (PGA80-2, 2a, 2b) (IPR80-1) (R&D80-1) (LFUT80-1) and RP80-61]

Consolidated Gas Supply Corp.; Order Accepting for Filing and Suspending Certain Tariff Sheets, Subject to Conditions and Granting Waivers

Issued March 19, 1980.

On February 1, 1980, as amended February 19, 1980, Consolidated Gas Supply Corporation (Consolidated) filed

revised rates¹ reflecting the revised suspended base tariff rates in Docket No. RP80-61 as adjusted for a PGA rate increase. The revised base tariff rates reflected in the filing are being filed pursuant to the Commission order issued January 30, 1980, which accepted for filing and suspended the Docket No. RP80-61 filing for one day until February 1, 1980, subject to refund and certain condition.²

The February 19th filing's rates were revised to include Consolidated's PGA increase effective January 1, 1980, that reflected the implementation of the incremental pricing surcharges on Consolidated's system. The alternate rates filed February 1, 1980 track a higher revised PGA rate increase effective January 1, 1980, which reflected the elimination of incremental pricing surcharges that was rejected by letter order issued February 7, 1980.

Based upon a review of the filings in Docket No. RP80-61, the Commission finds that Alternate Second Substitute Alternate Seventeenth Revised Sheet No. 16 to FERC Gas Tariff, Third Revised Volume No. 1, shall be accepted for filing, waiver of the 30 day notice provision shall be granted and the tariff sheets shall become effective February 1, 1980, subject to refund and subject to the outcome of the proceedings in Docket No. RP80-61.

On February 4, 1980, as amended February 6, 1980, and February 19, 1980, Consolidated filed revised rates³ containing a 28.78¢ per Dth net rate increase in the commodity component for effectiveness March 1, 1980, reflecting the following adjustments:

- (1) A \$66,152,008 (26.11¢ per Dth) increase in the cost of gas purchased from five pipeline suppliers;
- (2) A \$4,893,158 (1.93¢ per Dth) increase in the cost of gas purchased from various producer suppliers that

¹ On February 1, Consolidated filed Substitute Alternate Seventeenth Revised Sheet No. 16 and Alternate Substitute Alternate Seventeenth Revised Sheet No. 16 to FERC Gas Tariff, Third Revised Volume No. 1. These sheets have been superseded. On February 19, Consolidated filed Alternate Second Substitute Alternate Seventeenth Revised Sheet No. 16 to FERC Gas Tariff, Third Revised Volume No. 1. This sheet is accepted by this order.

² The revisions discussed herein do not affect other tariff sheets filed by Consolidated on December 28, 1979.

³ Eighteenth Revised Sheet No. 16, Alternate Eighteenth Revised Sheet No. 16, [Second Revised Sheet No. 72-C] and [Substitute First Revised Sheet No. 72C to FERC Gas Tariff] Third Revised Volume No. 1 were filed on February 4. Substitute Alternate Eighteenth Revised Sheet No. 16 was filed on February 6 and Second Substitute Alternate Eighteenth Revised Sheet No. 16 was filed on February 19.

reflects the elimination of the incremental pricing surcharges;⁴

(3) A 2.21¢ per Dth increase (from 5.26¢ to 7.47¢) in the regular surcharge to recover \$18,930,946 in deferred purchased gas costs;

(4) A 1.43¢ per Dth reduction (from 0.68¢ to negative 0.75¢) to return \$1,904,094 in LAFUT overcollections; and

(5) A 0.04¢ per Dth decrease (from 0.51¢ to 0.47¢) in RD&D costs.

The amended filing of February 6, 1980, was made to correctly state Consolidated's alternate rates since the February 4th filing mistakenly reflected identical rate levels with different pagination. These alternate rates differed by .12¢ per Dth relative to the projected incremental surcharge effective January 1, 1980. One alternate rate included the impact of such surcharge; the other alternate eliminated this surcharge. The amended filing of February 19th reflected the elimination of the incremental surcharge⁵ and reflected the restatement of the RP80-61 underlying base rate revisions previously discussed.

Based upon a review of Consolidated's filing, the Commission finds that the proposed tariff sheets have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission shall accept Consolidated's filing, grant waiver of the 30-day notice requirements and suspend the effectiveness such that it shall become effective on March 1, 1980, subject to refund and subject to the conditions described below.

Consolidated's filing includes increases pursuant to area rate clauses in the contracts between Consolidated and its producers. The Commission's acceptance of this filing shall not constitute a determination that any or all of the area rate clauses permit NGPA prices. That determination shall be made in accordance with the procedures prescribed in Order 23, as amended by subsequent orders, in Docket No. RM79-22. Should it be ultimately determined that a producer is not entitled to an NGPA price under an area rate clause,

⁴ State Commission actions raising natural gas prices have effectively eliminated Consolidated's jurisdictional incremental pricing surcharges. This results in a unit loss of approximately 0.12¢ per Dth. Consolidated's incremental pricing filing of January 1, 1980, reflected this amount (.12¢ per Dth) as the estimated incremental surcharge attributable to its system.

⁵ By Commission order issued February 7, 1980, in Docket No. TA80-1-22 (PGA80-1a), Consolidated was premitted to eliminate the projected incremental surcharge in this semi-annual PGA adjustment if it no longer had any MSAC.

the refunds made by the producer to the pipeline shall be flowed through to ratepayers in accordance with the procedures prescribed in the pipeline's PGA clause.

Consolidated's filing also reflects increases due to costs associated with purchases from pipeline production and affiliated production priced at NGPA levels. The Commission is unable to determine from the information submitted herein whether the proposed purchase prices assigned to its affiliate production and the NGPA value assigned to its new pipeline production price at NGPA levels satisfy the affiliated entities limitation set forth in section 601(b)(1)(E) of the NGPA. That section provides that in the case of any first sale between any interstate pipeline and any affiliate of such pipeline, any amount paid shall be deemed just and reasonable if in addition to not exceeding the applicable maximum lawful pricing ceiling, such amount does not exceed the amount paid in comparable first sale transactions between persons not affiliated with such pipeline. Under the rule proposed in Docket No. RM80-6, that same standard would apply to pipeline production valued at NGPA levels. Accordingly, the Commission's acceptance of this increase is conditioned upon Consolidated's filing within thirty days data demonstrating that its purchases from its affiliates and the price assigned to its NGPA valued pipeline production meet the affiliated entities test and is subject further to Commission review of that data.

The PGA rate increase also tracks increases in the cost of gas resulting from a rate change by a pipeline affiliate, Consolidated System LNG Company (LNG) * to \$3.929 per Dth. LNG's rate effective September 1, 1979, in Docket No. RP79-73, was \$2.9099 per Dth. The Commission is unable to determine from the information submitted herein whether LNG's rate is just and reasonable, or otherwise appropriate. Accordingly, Consolidated shall be required to file data within 30 days of the issuance of this order which demonstrates the appropriateness of such costs.

The Commission Orders: (A) Consolidated's Alternate Second Substitute Alternate Seventeenth Revised Sheet No. 16 to FERC Gas Tariff, Third Revised Volume No. 1 is accepted for filing and suspended, permitted to become effective February 1, 1980, subject to refund and subject to

the outcome of the proceedings in Docket No. RP80-61.

(B) Consolidated's Second Substitute Alternate Eighteenth Revised Sheet No. 16 and Substitute First Revised Sheet No. 72-C are accepted for filing and waiver of the notice requirements is granted such that they shall become effective March 1, 1980, subject to refund and subject to the condition enumerated in the body of this order and the ordering paragraphs below.

(C) Consolidated shall file data within 30 days of the issuance of this order to show that the pricing of gas purchased from its affiliates and the value assigned to its NGPA-priced pipeline production are in accordance with section 601(b)(1)(E) of the NGPA and that the pricing of gas purchased from Consolidated System LNG Company is appropriate.

(D) The costs associated with Consolidated's purchases from its producer affiliates, its NGPA-priced pipeline production, and from Consolidated System LNG shall be collected subject to refund and subject to: (1) Consolidated's filing within 30 days of the issuance of this order the data called for in Paragraph (B) above, and (2) review of such data by the Commission to determine what further action is appropriate.

(E) Eighteenth Revised Sheet No. 16, Alternate Eighteenth Revised Sheet No. 16, Substitute Alternate 18th Revised Sheet No. 16, and Second Revised Sheet No. 72-C are rejected because they are moot in light of the action taken above.

By the Commission.
Lois D. Cashell,
Acting Secretary.
[FR Doc. 80-9112 Filed 3-25-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. RP77-62]

Tennessee Gas Pipeline Co., a Division of Tenneco, Inc., Extension of Time

March 18, 1980.

On March 13, 1980, Commission Staff Counsel filed a request for an extension of time to file objections to an "actual cost/actual revenue" study filed January 29, 1980, by the Tennessee Gas Pipeline Company, as required by the settlement agreements approved February 23 and August 13, 1979, in the above-docketed proceeding. The motion states that additional time is needed because staff auditors have had to analyze additional detailed background information not contained in Tennessee's original filing.

Upon consideration, notice is hereby given that an extension is granted to and

including April 14, 1980, for the filing of objections in this proceeding.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 80-9113 Filed 3-25-80; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 2305]

Sabine River Authority of Texas; Application for Approval of Exhibit R

March 20, 1980.

Take notice that an application was filed on January 21, 1980, under the Federal Power Act, 16 U.S.C. 791a-825r, by the Sabine River Authority of Texas (SRAT), joint Licensee for the Toledo Bend Project No. 2305, for approval of its recreation use plan, Exhibit R. The project is located on the Sabine River in Newton, Sabine, and Shelby Counties, Texas, and Sabine and DeSoto Parishes, Louisiana. The project occupies lands of the Sabine National Forest.

Correspondence with the Applicant should be directed to: Mr. Joe Love, Assistant Operation Manager, Sabine River Authority of Texas, P.O. Box 579, Orange, Texas 77630.

As described in the revised recreation use plan, seven sites would be developed by SRAT for the Texas portion of the project. The U.S. Forest Service (USFS) has developed four additional sites on the Texas shore.

Among the existing recreational facilities are boat ramps, hiking trails, and primitive camping and motorbiking sites. Planned facilities include picnic tables, group camping facilities, boat ramps, trap and skeet shooting ranges, marina, tennis courts and motorbike trails. At four of the SRAT sites extensive private recreational development would include cabins, cabanas, a swimming pool, and boat rental facilities.

Facilities already developed by the USFS at four of the existing sites include an amphitheater, boat ramps, restrooms, camping sites, shower facilities, and barbecue grills.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's rules of practice and procedure (Rules), 18 CFR, 1.8 or 1.10 (1979). Comments not in the nature of protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or

* Consolidated filed revisions to its PGAC to provide for PGA treatment for LNG's costs. These revisions are treated by separate order.

other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's rules. Any comments, protest, or petition to intervene must be filed on or before May 12, 1980. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 80-9197 Filed 3-25-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. GP80-73]

State of New Mexico; Petition To Reopen Final Well Category Determination

March 21, 1980.

Take notice that on January 30, 1980, Texaco Inc. (Texaco) Section 108 NGPA Determination, Texaco Inc., J. C. Estlack #1 Well, JD No. 79-20379, filed with the Commission a petition to reopen the final well category determination for the above-captioned well, pursuant to 18 CFR 275.202.

Texaco states that the following sequence of events occurred with respect to the above-captioned well: (1) In March of 1979 Texaco filed an application with the New Mexico Oil Conservation Division (New Mexico) for a determination that the well qualified as a stripper well under section 108 of the Natural Gas Policy Act of 1978 (NGPA); (2) In August of 1979 New Mexico made an affirmative determination and forwarded notice of such determination to the Commission for review; (3) The determination became final forty-five days after the Commission received the notice, pursuant to the provisions of 18 CFR 275.202(a); (4) On January 18, 1980, the Commission issued an order directing an investigation with respect to two other stripper well applications filed by Texaco¹; (5) Upon issuance of this order Texaco requested its Producing Divisions to review all stripper well applications made by the company to determine whether there existed any additional filings for wells which might not qualify for the stripper well price; (6) As a result of this survey, Texaco determined that certain production data²

for the above-captioned well had not been filed along with the stripper well application.

Texaco requests that the Commission reopen the final stripper well determination for this well in order that the record may be supplemented. Texaco states that it believes the outcome of the determination will not be affected, but that the additional data should be submitted in order to comply with the Commission's regulations.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 21, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to this proceeding, or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-9198 Filed 3-25-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. GP80-72]

State of New Mexico; Petition To Reopen Final Well Category Determination

March 21, 1980.

Take notice that on January 30, 1980, Texaco Inc. (Texaco), Section 108 NGPA Determination, Texaco Inc., E.H.B. Phillips "B" No. 2 Well, JD No. 79-20332, filed with the Commission a petition to reopen the final well category determination for the above-captioned well, pursuant to 18 CFR 275.202.

Texaco states that the following sequence of events occurred with respect to the above-captioned well: (1) In March of 1979 Texaco filed an application with the New Mexico Oil Conservation Division (New Mexico) for a determination that the well qualified as a stripper well under section 108 of the Natural Gas Policy Act of 1978 (NGPA); (2) In August of 1979 New Mexico made an affirmative determination and forwarded notice of such determination to the Commission for review; (3) The determination became final forty-five days after the Commission received the notice, pursuant to the provisions of 18 CFR

275.202(a); (4) On January 18, 1980, the Commission issued an order directing an investigation with respect to two other stripper well applications filed by Texaco¹; (5) Upon issuance of this order Texaco requested its Producing Divisions to review all stripper well applications made by the company to determine whether there existed any additional filings for wells which might not qualify for the stripper well price; (6) As a result of this survey, Texaco determined that certain required production data for the above-captioned well had not been filed along with the stripper well application.²

Texaco states that the additional production data indicate that total production from the well exceeded the volumes of gas permitted for stripper wells under section 108. Texaco requests that the Commission reopen the final determination for this well in order that Texaco may withdraw the application upon which such determination was based.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 21, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to this proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 80-9199 Filed 3-25-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket Nos. CP80-65 etc.]

Tennessee Gas Pipeline Co. et al.; Technical Conference

March 20, 1980.

Tennessee Gas Pipeline Company, a Division of Tenneco Inc., National Fuel Gas Supply Corp. and National Gas Storage Corporation, et al., Consolidated Gas Supply Corp., Honeoye Storage Corporation, Docket Nos. CP80-65, CP76-492, et al., CP80-260, CP80-277.

¹ Public Order Directing Private Investigation, Docket No. IN80-7, issued January 18, 1980.

² The required production information pertains to other reservoirs in a multi-completion well.

¹ Public Order Directing Private Investigation, Docket No. IN80-7, issued January 18, 1980.

² The required production information pertains to other reservoirs in a multi-completion well.

Take notice that on April 11, 1980, at 10 a.m., the Commission Staff will convene an informal technical conference at the offices of the Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, D.C. 20426, to discuss the issues raised in the above-captioned dockets. By its application in Docket No. CP80-65 Tennessee seeks certificate authorization from the Commission to construct and operate certain facilities and to render certain transportation services for a number of its existing customers located in New England, New York and Pennsylvania in connection with related natural gas storage services which such customers propose to purchase from Consolidated Gas Supply Corporation (Consolidated), Honeoye Storage Corporation (Honeoye) and National Gas Storage Corporation (National). Tennessee proposes to transport top storage injection and withdrawal volumes for certain of its customers on a long-term firm basis and for others on a long-term best efforts basis in connection with such storage services. Tennessee also proposes to transport base gas injection volumes for certain of its customers on a short-term best efforts basis in connection with both Honeoye and National storage service.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene in this matter by order of the Commission, attendance will not be deemed to authorize intervention as a party in these proceedings.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-9200 Filed 3-25-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-279]

**Texas Eastern Transmission Corp.;
Application**

March 21, 1980.

Take notice that on March 12, 1980, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP80-279 and application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline, compression, and related facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant requests authorization to construct, in two phases over a two-year period, and to operate: 113.4 miles of 30-inch pipeline loop which would be added parallel to Applicant's existing 30-inch pipeline extending from its Gillis, Louisiana, compressor station to a point near New Roads, Louisiana, and passing through the parishes of Beauregard, Allen, Evangeline, St. Landry and Pointe Coupee (Phase I); an additional compression unit of up to 12,150 horsepower at Applicant's Gillis, Louisiana, station; and three loop extensions of 36-inch pipeline in Mississippi totaling 58.5 miles in length, which would extend existing partial loops on Applicant's main line between Applicant's St. Francisville, Louisiana, and the Kosciusko, Mississippi, compressor stations, which would be located parallel to and adjacent to Applicant's existing pipelines, and would traverse the Mississippi counties of Franklin, Amite, Wilkinson, Hinds, Copiah and Madison (Phase II). Applicant states that, in constructing the proposed facilities, it would utilize existing rights-of-way to the extent possible, and would parallel existing rights-of-way where multiple-line rights are not owned.

The estimated total capital cost of the proposed facilities expansion is \$125,710,000 which cost Applicant would finance initially with funds on hand and/or borrowing under its revolving credit agreement, which may later be replaced with long-term financing, it is said.

Applicant states that the proposed expansion of facilities would increase its capacity by approximately 400,000 Mcf per day between Gillis and St. Francisville and approximately 200,000 Mcf per day between St. Francisville and Kosciusko. Applicant asserts that the increased capacity which would be provided by the proposed facilities is required to alleviate a supply-capacity imbalance on Applicant's system which has resulted from a shift in its main supply area to the west. It is asserted that such a shift has been brought about by curtailment by United States Gas Pipe Line Company and declining production in the Main Pass and southeastern Louisiana areas, coupled with additional volumes of gas from offshore production, from new commitments, Mexican gas purchases, and new onshore commitments and intrastate supply sources. These additional volumes are delivered into the western portion of Applicant's system and utilize almost all of the available capacity, it is said. Applicant

further asserts that inasmuch as the majority of further additional volumes are anticipated to be attached from the western portion of the system, the proposed additions would insure the integrity of the system and Applicant's ability to meet its contractual obligations.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 11, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-9201 Filed 3-25-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. E-8851]

**Alabama Power Co.; Informal
Conference**

March 20, 1980.

Take notice that the Staff has scheduled an informal conference in this proceeding pursuant to 18 CFR 1.18. This conference, scheduled at the request of

cooperative and municipal intervenors, will be for the purpose of discussing the compliance filing made in this docket by Alabama Power Company on October 31, 1979. The conference will occur on April 17, 1980, commencing at 10 a.m.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 80-9190 Filed 3-25-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CS80-92, et al.]

**Dietrich Petroleum Corp., et al.;
Applications for "Small Producer"
Certificates**¹

March 21, 1980.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and § 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before March 28, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to

the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission in its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Lois D. Cashell,
Acting Secretary.

Docket No.	Date filed	Applicant
CS80-92	3/3/80	Dietrich Petroleum Corp., 1741 Crestridge, Littleton, Colo. 80121
CS80-93	3/4/80	J. R. McGinley, 530 Beacon Building, Tulsa, Okla. 74103
CS80-94	3/4/80	A. L. Sauder, Jr., P. O. Drawer 5008, Wichita Falls, Tex. 76307
CS80-95	3/4/80	Zulene T. McGinley, 530 Beacon Building, Tulsa, Okla. 74103
CS80-96	3/6/80	Frank B. Westerman, 1100 Milam Bldg. Suite 580, Houston, Tex. 77002
CS80-97	3/6/80	LRF Corp., 3232 Liberty Tower, Oklahoma City, Okla. 73102
CS80-98	3/6/80	Reed D. Voran, Trustee, 320 South High Street, Muncie, Ind. 47305
CS80-99	3/17/80	Cecil W. Moore, Suite 1555, Dallas Federal Savings Bldg. 8333 Douglas Avenue, Dallas, Tex. 75225
CS80-100	3/18/80	Robert H. Cole, 10110 Chevy Chase, Houston, Tex. 77042

[FR Doc. 80-9191 Filed 3-25-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. G18671, et al.]

**Dorchester Gas Producing Co., et al.;
Applications for Certificates,
Abandonment of Service and Petitions
To Amend Certificates**¹

March 21, 1980.

Take notice that each of the Applicants listed herein has filed an

application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before March 28, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Lois D. Cashell,
Acting Secretary.

¹ This notice does not provide for consolidation for hearing of the several matters covered herein.

¹ This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft ³	Pressure base
G-18671, D, Mar. 13, 1980	Dorchester Gas Producing Company, Bank of Southwest Building, P.O. Box 750, Amarillo, Texas 79105.	Northern Natural Gas Company, Section 44, Block 7, I&GN Survey, Carson County, Texas.	Depleted	
C180-240, A, Mar. 13, 1980	Hondo Oil & Gas Company, P.O. Box 2819, Dallas, Texas 75221.	Natural Gas Pipeline Company of America, Hondo State Com. No. 1 Well located in the Burton Flat Area, Eddy County, New Mexico.	(¹)	14.85
C180-241, A, Mar. 14, 1980	Marathon Oil Company, 539 South Main Street, Findlay, Ohio 45840.	Panhandle Eastern Pipe Line Company, Valley Center West Field, Dewey County, Oklahoma.	(²)	14.65
C180-242, B, Mar. 14, 1980	Enterprise Resources, Inc., 1100 Milam Building, Suite 776, Houston, Texas 77002.	Texas Gas Transmission Corporation, Sec. 41- T12S-R5E, Iberia Parish, Louisiana, Jefferson Island Field.	Well was plugged and abandoned	
C180-243, A, Mar. 14, 1980	General American Oil Company of Texas, Meadows Building, Dallas, Texas 75206.	Columbia Gas Transmission Corporation, Blocks 267 and 276 Vermilion Area, Offshore Louisiana.	(³)	14.73
C180-244, A, Mar. 17, 1980	Transco Exploration Company, P.O. Box 1396, Houston, Texas 77001.	Michigan-Wisconsin Pipe Line Company, High Island Area Block A-312 (SW/4), Offshore Gulf of Mexico.	(⁴)	14.73

¹ Applicant is filing under Gas Purchase Contract dated 8-24-79.

² Applicant is filing under Gas Purchase and Sales Agreement dated 1-14-80, said agreement adopting and ratifying the terms and conditions of Gas Purchase and Sales Agreement dated 9-21-78, between Exploration Associates, as Seller, and Panhandle Eastern Pipe Line Company, as Buyer. Applicant's working interest was acquired through reversionary rights under a farmout agreement to Exploration Associates upon well payout effective 6-1-79 and Applicant respectfully requests that the Commission issue to it a Certificate of Public Convenience and Necessity effective 6-1-79.

³ Applicant is filing under Gas Purchase and Sales Agreement dated 2-22-80.

⁴ Applicant is willing to accept a certificate conditioned upon the maximum applicable rate as allowed by the NGPA of 1979.

Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 80-9192 Filed 3-25-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 925]

City of Ottumwa, Iowa; Issuance of Annual License

March 20, 1980.

On September 13, 1978, the City of Ottumwa, Iowa, Licensee for Project No. 925, located on the Des Moines River in Wapello County, Iowa, filed an application for a new license pursuant to the Federal Power Act and Commission regulations thereunder.

The license for Project No. 925 was issued effective May 1, 1978, for a period ending April 30, 1979. In order to authorize the continued operation and maintenance of the project, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to the City of Ottumwa, Iowa.

Take notice that an annual license has been issued to the City of Ottumwa, Iowa for the period May 1, 1978 to April 30, 1979, or until the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Project No. 925, subject to the terms and conditions of the original license. Take further notice that if issuance of a new license does not take place on or before April 30, 1979, a new annual license will be in effect each year thereafter, effective May 1 of each year, until such time as a new license is issued, or other appropriate action is taken by the Commission, without further notice being given by the Commission.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 80-9196 Filed 3-25-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CS71-631 and CS76-842]

Eason Oil Co. and Devon Corp.; Order Clarifying Order and Denying Rehearing

March 21, 1980.

By order issued January 8, 1980, in the above-captioned dockets, the Commission granted the requests of Eason Oil Company (Eason) and Devon Corporation (Devon) to have certain sales of natural gas covered under their small producer certificates, but the Commission denied small producer rate treatment for the sales. On February 7, 1980, Devon filed an application for rehearing of the Commission's order. By order issued March 4, 1980, the Commission granted rehearing for purposes of further consideration.

In June 1973 Eason and Devon acquired certain natural gas producing properties from Commonwealth Gas Corporation, Southwest Gas Producing Company, Inc., and Monla Gas Company (the Commonwealth Group), an affiliated group of producers within the meaning of § 157.40 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.40).

The Commission found in its January 8, 1980 order that the status of the Commonwealth Group producers as large or small producers at the time of the conveyances to Devon and Eason was dependent on their total jurisdictional sales volumes for 1972, the full calendar year preceding the transfer of the properties. Since the Commonwealth Group producers made jurisdictional sales in excess of 10,000,000 Mcf in the calendar year 1972, the Commission concluded that they were not small producers at the time of the conveyances. As a result, the Commission denied small producer rate

treatment for sales made by Devon and Eason from the acquired reserves on the ground that the reserves were acquired by the purchase of developed reserves in place from a large producer.

In its February 7, 1980 application, Devon seeks rehearing on two grounds. First, Devon continues to argue that the Commonwealth Group producers were small producers at the time of the conveyances in June 1973, and contends that the Commission erred in determining the status of the Commonwealth Group producers on the basis of their 1972 calendar year jurisdictional sales volumes. However, Devon cites no new facts or principles of law that might warrant a modification of our decision on this issue. Consequently, we see no need to address the question any further.

With respect to Devon's second ground for rehearing, Devon states that there are wells located on the acreage acquired from the Commonwealth Group which produce from reserves developed by Devon, rather than by the Commonwealth Group producers. Devon asserts that the Commission's order is in error to the extent that it prohibits Devon from obtaining small producer rate treatment for sales of gas produced from such reserves.

We did not intend by our January 8, 1980 order to preclude Devon and Eason from collecting small producer rates for sales of gas produced from reserves that they developed. Under § 157.40 of the Commission's Regulations, as the regulations existed prior to the issuance of Order No. 568,¹ small producer rates

¹ § 157.40 was revised by the Commission in Order No. 568, Docket No. RM76-15, issued July 14, 1977, subsequent to the filing of Devon's original application and Eason's original petition in these

Footnotes continued on next page

were not to apply to jurisdictional sales made by a small producer from reserves "acquired by the purchase of developed reserves in place from a large producer." However, where a small producer acquired undeveloped reserves from a large producer, and later developed those reserves while still a small producer, the small producer was entitled to sell gas from such reserves at small producer rates.² Accordingly, we wish to clarify our January 8, 1980 order as to the rate that Devon and Eason may collect for sales made from the reserves acquired from the Commonwealth Group. For sales made from those reserves that were developed by Devon and Eason while they were small producers, Devon and Eason may collect the applicable small producer rates. In all other respects, including the refund requirements, the order of January 8, 1980 remains in effect.

The Commission orders: (A) The Commission's order issued January 8, 1980, in the above-captioned dockets, is clarified as set forth hereinabove.

(B) Devon's application for rehearing of the order issued January 8, 1980, filed on February 7, 1980, is hereby denied, except as provided in Ordering Paragraph (A) above.

By the Commission.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-9193 Filed 3-25-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-268]

Equitable Gas Co.; Application

March 21, 1980.

Take notice that on March 4, 1980, Equitable Gas Company (Applicant), 420 Boulevard of the Allies, Pittsburgh, Pennsylvania 15219, filed in Docket No. CP80-268 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of the Skin Creek Compression Station and connecting

pipelines at a replacement site and for permission and approval for the subsequent abandonment of the existing compressor site on West Virginia Highway 30 at the juncture of Skin Creek and the West Fork River to accommodate the Stonewall Jackson Lake project, West Fork River and tributaries, Lewis County, West Virginia, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the existing Skin Creek Compressor Station, which was constructed to supply gas from adjoining gas fields to the transmission network of Applicant's predecessor company would be completely flooded by the creation of Stonewall Jackson Lake, a project being constructed by the U.S. Army Corps of Engineers.

This compression station is an integral component of Applicant's natural gas supply and transmission system and the construction of a replacement station would be required in order to maintain the present delivery capacity, it is said. Applicant asserts that it must have a replacement station which is completely operable prior to taking the existing station out of service in order to prevent an interruption in the supply of gas to Applicant's system.

The proposed location for the replacement facility is on West Virginia Highway 17 (Copely Road) approximately one-half mile west of its intersection with U.S. Highway 19.

Applicant proposes to abandon its existing Skin Creek Compression Station, including three steam-powered and three natural gas-powered compressors all totaling 5,880 horsepower, together with certain related pipeline segments of diameters ranging from 6 to 16 inches and associated equipment. The replacement station would be equipped with gas-powered compressors totaling 6,210 horsepower at 100°F, which Applicant considers to be the most comparable sizing arrangement, and would be linked to replacement pipelines of 6-inch to 16-inch diameter, it is stated. Applicant estimates the cost of the project to be \$15,248,050, a portion of which would be borne by the Federal Government.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 11, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.70). All protests filed with the Commission will

be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 80-9194 Filed 3-25-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-278]

Great Lakes Gas Transmission Co.; Application

March 21, 1980.

Take notice that on March 7, 1980, Great Lakes Gas Transmission Company (Applicant), 2100 Buhl Building, Detroit, Michigan 48226, filed in Docket No. CP80-278 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 30.1 miles of 36-inch pipeline loop on its existing pipeline system, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate 30.1 miles of 36-inch pipeline loop in northern Minnesota. It is asserted that the loop would be added parallel to Applicant's existing pipeline network, which is used to provide natural gas service to its existing interstate and foreign customers, and

Footnotes continued from last page proceedings. The Commission provided in Order No. 568 that all cases pending before the Commission prior to the issuance of Order No. 568 were to be decided on their merits under the regulations as they existed prior to the issuance of that order. See Order No. 568, *mimeo* at 2. However, the result reached here would be the same under the current regulations.

² See "Order Granting Rehearing," *James T. Cliburn*, Docket No. CS77-726, issued April 24, 1978; "Order Granting Petition For Declaratory Order," *Burk Royalty Co., Tom Darling and Jon H. Bear*, Docket No. CI74-750, issued September 25, 1974. This result is in accord with the present small producer regulations adopted in Order No. 568. See § 157.40(a), (c) of the Commission's Regulations under the Natural Gas Act.

would be constructed in two segments: one segment would be 11.5 miles in length and would run from mile post 21.9 to mile post 33.4 on the line, which is between Applicant's existing compressor stations Nos. 1 and 2 and St. Vincent and Thief River Falls, Minnesota, respectively; the other segment would stretch 18.6 miles and would extend from mile post 131.4 to mile post 150.0, which is situated between Applicant's existing compressor stations Nos. 3 and 4 at Shevlin and Deer River, Minnesota, respectively. It is said that these proposed loops would complete valve sections and provide additional security along Applicant's existing pipeline system. The total cost of the proposed loop is estimated to be \$18,700,000 which cost Applicant would finance with funds generated internally, together with short-term borrowing from banks if required, it is said.

Applicant asserts that the addition of the proposed loop to its system would result in an annual savings of 1,240,000 Mcf of natural gas.

Applicant further requests that it be permitted to offset its incremental costs incurred in owning and operating the loop proposed herein by appropriate adjustment to the Fuel Adjustment Provisions agreed to by all parties in Applicant's pending rate proceeding in Docket No. RP79-10, *et al.*

Any person desiring to be heard or to make any protest with reference to said application should on or before April 11, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 80-9195 Filed 3-25-80; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[80T-95; FRL 1444-3]

Premanufacture Notices; Status Report for February 1980

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to publish a list in the *Federal Register* at the beginning of each month reporting the premanufacture notices (PNM's) pending before the Agency and the PMN's for which the review period has expired since publication of the last monthly summary. This is the report for February 1980.

DATE: Written comments are due no later than 30 days before the applicable notice review period ends on a specific chemical substance.

ADDRESS: Written comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St. SW, Washington, DC 20460, 202-755-8050.

FOR FURTHER INFORMATION CONTACT: Paige Beville, Premanufacturing Review Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, 202-426-8816.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under Section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Initial Inventory was published in the *Federal Register* on May 15, 1979 (44 FR 28558). The requirement to submit PMN's for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has 90 days to review a PMN once the Agency receives it (section 5(a)(1)). The section 5(d)(2) *Federal Register* notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may for good cause, extend the review period up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the *Federal Register*.

The monthly status report required under section 5(d)(3) will identify: (a) PMN's received during the month; (b) PMN's received previously and still under review at the end of the month; (c) PMN's for which the notice review period has ended during the month; and (d) chemical substances that EPA has added to the inventory during the month.

Therefore, under TSCA (Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604)), EPA is publishing the status of PMN's for February 1980.

PMN No.	Identity/generic name	FR citation	Expiration date
I. Premanufacture Notices Received During the Month			
5AHQ-0280-0143	Polymer of: Epichlorohydrin; bisphenol A; <i>N</i> -methyl morpholine; acetic acid; and linseed fatty acid.	45 FR 12902 (2/27/80).	May 4, 1980.
5AHQ-0280-0144	Polymer of: Epichlorohydrin-Bis A; bisphenol A; <i>N</i> -Bis A; bisphenol A; <i>N</i> -methyl morpholine; and acetic acid.	In preparation.	Do.
5AHQ-0280-0150	Generic Name: Bis (substituted-6,6,6-triacryloylosymethyl-4-oxahexyl) demethyl-disubstituted heteromonocycle.	do.....	Do.
5AHQ-0280-0154	Lithium ferrite	do.....	Do.
5AHQ-0280-0158	<i>N</i> -(3, 5-Dibromo-4-hydroxyphenyl) benzenesulfonamide	45 FR 13530 (2/29/80).	Do.
5AHQ-0280-0129	Polymer of butyl acrylate, methyl methacrylate, hydroxyethyl methacrylate, hydroxyl propyl acrylate, and acrylic acid.	In preparation	Do.
5AHQ-0280-0159	Generic Name: Chloroorganosulfonate-fluorane dye	do.....	May 10, 1980.
5AHQ-0280-0168	Generic Name: Zinc salt of dialkyl dithiophosphate	do.....	May 12, 1980.
5AHQ-0280-0165	Generic Name: Vegetable oil fatty acid ester	do.....	May 13, 1980.
5AHQ-0280-0169	Polymer of butyl acrylate, methyl acrylate acrylonitrile, and 2-hydroxyethyl acrylate.	do.....	Do.
5AHQ-0280-0174	Generic Name: Alkyl ammonium salt of a halogen oxyacid	do.....	May 20, 1980.
5AHQ-0280-0175	Generic Name: Alkyl ammonium salt of a halogen oxyacid	do.....	Do.
5AHQ-0280-0179	Generic Name: Tetra-substituted phosphonium salt of dihydroxy substituted propane.	do.....	May 25, 1980.
5AHQ-0280-0182	Generic Name: Alpha alkene copolymer with alpha alkene	do.....	May 26, 1980.
5AHQ-0280-0186	Generic Name: Alkyl-substituted phenol	do.....	Do.

II. Premanufacture Notices Received Previously and Still Under Review at the End of the Month

5AHQ-1279-0039A	Polymer of styrene, 2-ethylhexyl methacrylate, isobutoxy-methyl acrylamide, dimethylaminopropyl methacrylamide.	45 FR 1675 (1/8/80).	Mar. 5, 1980.
5AHQ-1279-0076	Generic name: 4-Amino- <i>N</i> -substituted benzene sulfonamide.	do.....	Mar. 9, 1980.
5AHQ-1279-0079	Polymer of phthalic anhydride, ethylene glycol, heptanol, and 2-ethylhexanol.	44 FR 76856 (2/26/79).	Mar. 12, 1980.
5AHQ-1279-0080	Polymer of phthalic anhydride, 1,2-propylene glycol, 1,4-butanediol, 1-octanol, and 1-decanol.	do.....	Do.
5AHQ-1279-0081	Polymer of phthalic anhydride, ethylene glycol, heptanol, 1-octanol, and 1-decanol.	do.....	Do.
5AHQ-1279-0082	Polymer of phthalic anhydride, 1,2-propylene glycol, 1,4-butanediol, and 2-ethylhexanol.	do.....	Do.
5AHQ-1279-0083	Polymer of phthalic anhydride, 1,3-butylene glycol, 1-octanol, and 1-decanol.	44 FR 76856 (12/28/79).	Do.
5AHQ-1279-0084	Polymer of phthalic anhydride, 1,3-butylene glycol, and 2-ethylhexanol.	do.....	Do.
5AHQ-1279-0077	Magnesium acrylate	45 FR 1674 (1/8/80).	Do.
5AHQ-1279-0057A	Polymer of 5-substituted-1,3-benzenedicarboxylic acid; ethylene glycol; and ϵ -caprolactone.	45 FR 2387 (1/11/80).	Mar. 17, 1980.
5AHQ-1279-0059A	Polymer of 5-substituted-1,3-benzenedicarboxylic acid; 1,4-cyclohexanedimethanol; ethylene glycol; ϵ -caprolactone; toluene-2, 4-disocyanate; and 2-butenedioic acid.	do.....	Do.
5AHQ-1279-0060A	Polymer of 1,4-cyclohexane dimethanol and 2-butenedioic acid.	do.....	Do.
5AHQ-1279-0085	Generic name: Alkenyltrialkoxysilane	do.....	Do.
5AHQ-1279-0086	1,3-benzenedicarboxylic acid, a polymer with 2,2-dimethyl-1,3-propanediol; 2-ethyl-2-(hydroxymethyl)-1,3-propanediol; nonanoic acid; and 3a,4,7,7a-tetrahydro-1,3-isobenzofuranone.	45 FR 2387 (1/11/80).	Do.
5AHQ-1279-0087	Generic Name: Polyacrylate	45 FR 6159 (1/25/80).	Mar. 17, 1980.
5AHQ-1279-0089	Generic name: Amido amine	45 FR 2387 (1/11/80).	Mar. 26, 1980.
5AHQ-1279-008	Generic name: Ring halogenated cyclic dicarboxylic salt	45 FR 3967 (1/21/80).	Apr. 1, 1980.
5AHQ-0180-0096	Generic name: 3-Alkoxy(C_{10} - C_{14})-2-hydroxypropyl ester of dimer/trimer acids (fatty ester).	45 FR 3967 (1/21/80).	Do.
5AHQ-0180-0099	Fatty acid, tall oil, epoxidized mixed C_{17} - C_{19} alkyl ester	45 FR 6999 (1/31/80).	Apr. 8, 1980.
5AHQ-0180-0032A	Neopentyl glycol-cyclohexane-dimethanol-trimethylpropane-O-phthalate-adipate.	45 FR 6833 (1/30/80).	Apr. 15, 1980.
5AHQ-0180-0015A	Generic name: Dialkyl (C_{12} - C_{14}) substituted polycarboxylate	45 FR 6833 (1/30/80).	Do.
5AHQ-0180-0105	Polyester with dipropylene glycol of byproduct from, manufacture of the dimethyl ester of 1,4-benzenedicarboxylic acid.	do.....	Do.
5AHQ-0180-0111	Polymer of dehydrated castor oil, trimethylethane, phthalic anhydride, and benzoic acid.	45 FR 12901 (2/27/80).	Apr. 28, 1980.
5AHQ-0180-0112	Generic name: Substituted- <i>N</i> -alkylquinoline	45 FR 12906 (2/27/80).	Apr. 20, 1980.
5AHQ-0180-0113	Generic name: 1,2-Disubstituted-4,5-dimethoxybenzene	45 FR 11902 (2/20/80).	Do.
5AHQ-0180-0114	Generic name: Substituted ketone pyran	45 FR 12904 (2/27/80).	Do.
5AHQ-0180-0115	Generic name: Monosubstituted-4,5-dimethoxy phenyl ethanol.	45 FR 12900 (2/27/80).	Do.
5AHQ-0180-0116	Generic Name: Monosubstituted-4,5-dimethoxy benzyl chloride.	45 FR 11898 (2/27/80).	Do.
5AH-0180-0117	Generic Name: Tetrasubstituted quinoline	45 FR 12909 (2/27/80).	Do.
5AHQ-0180-0118	Generic Name: Tetrasubstituted- <i>N</i> -alkyl quinoline	45 FR 12907 (2/27/80).	Do.
5AHQ-0180-0119	Generic Name: Trisubstituted acetophenone	In preparation	Apr. 20, 1980.
5AHQ-0180-0128	Stearly stearamide	45 FR 11904 (2/20/80).	Apr. 21, 1980.

II. Premanufacture Notices Received Previously and Still Under Review at the End of the Month—Continued

5AHQ-0180-0131	Anhydro 3,10-bis(2-(4-(3-pyridinio)-6-(2,5-disulfonylphenylamino)-1,3,5-triazin-2-ylamino) ethylamino)-6,13-dichloro-4,11-disulfotriphenyl-dioxazine dihydroxide, hexasodium salt.	45 FR 11903 (2/20/80).	Do.
5AHQ-0180-0133	1-p-Nitrobenzoyl-1-(4' carboxypyridyl) hydrazide.	45 FR 13531 (2/29/80).	Do.
5AHQ-0180-0134	Polymer of fumaric acid, isophthalic acid, adipic acid, neopentyl glycol, diethylene glycol, and propylene glycol.	45 FR 13529 (2/29/80).	Do.
5AHQ-0180-0034A	Generic Name: Polymer of, alkyl amino methacrylic acid ester, alkyl acrylate, and alkyl methacrylate.	In preparation	Apr. 27, 1980.
5AHQ-0180-137	Copolymer of methacrylic acid and diacetone acrylamide.	45 FR 12897 (2/27/80).	Apr. 28, 1980.

III. Premanufacture Notices for Which the Notice Review Period Has Ended During the Month

5AHQ-1179-0007A	(Alkyl hydroxymethyl alkanediol polymer with chloromethyl oxirane) alkenoate.	44 FR 70216 (12/6/79)	Feb. 13, 1980.
5AHQ-1179-0010A	2-Ethyl hexyl-2-propenoate polymer with 2-methyl-2-propenoate and alkyl 2-propenoate.	do.....	Do.
5AHQ-1179-0070	Claimed Confidential.	44 FR 76855 (12/28/79)	Feb. 14, 1980.
5AHQ-1179-0073	1,3-Benzenedicarboxylic acid, polymer with E 2-butenediolic acid, 1,2-propanediol, and 1,3-butadiene.	44 FR 70921 (12/10/79)	Feb. 21, 1980.
5AHQ-1179-0074	1,3-Benzenedicarboxylic acid, polymer with E 2-butenediolic acid, 1,2-propanediol, and 1,3-butadiene acrylonitrile.	do.....	Do.

IV. New Chemical Substances That EPA Has Added to the Inventory During the Month

None.

Interested persons may submit written comments on the specific chemical substance no later than 30 days before the applicable notice period ends to the Document Control Officer (TS-793), Rm. E-447, Office of Pesticides and Toxic Substances, 401 M St., SW., Washington, DC 20460. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number (80T-95) and the specific PMN number. Nonconfidential portions of the PMN's written comments received, and other documents in public record may be seen in the above office between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

Dated: March 18, 1980.

Marilyn C. Bracken,

Deputy Assistant Administrator for Program Integration and Information.

[FR Doc. 80-8989 Filed 3-25-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1446-1]

Science Advisory Board, Subcommittee on Energy-Related Health Effects Research; Open Meeting

Under Pub. L. 92-463, notice is hereby given that a meeting of the Subcommittee on Energy-Related Health Effects Research of the Science Advisory Board will be held on April 11, 1980 in Conference Room 1137, North Building, Department of Health, Education, and Welfare, 330 Independence Avenue, S.W.,

Washington, D.C. The meeting will start at 9:00 a.m. Conference Room 1137 is located on the main floor.

The purpose of the meeting will be to review and comment on Agency plans for redirecting certain portions of the Energy-Related Health Effects Research Program in order to make the program more responsive to specified needs and objectives of EPA's Office of Air Quality Planning and Standards (OAQPS). Specifically, the portion of the Energy-Related Health Effects Research Program to be reviewed and discussed addresses the health effects of pollutants from fossil fuel combustion and complements research carried out under the Air Health Research Program (Base Program) of EPA's Office of Research and Development.

Pertinent background information follows. This is the third meeting of the Subcommittee. At a meeting on November 13 and 14, 1979, the Subcommittee was briefed on and discussed (1) programs and needs of EPA's Office of Air Quality Planning and Standards (OAQPS) as regards health effects of energy-related air pollutants, (2) relevant aspects of the Air Health Research Program (Base Program) of EPA's Office of Research and Development, and (3) research carried out or planned under the Energy-Related Health Effects Research Program. At a subsequent meeting on December 18 and 19, 1979, the Subcommittee discussed the relevance of the on-going or proposed research to Agency needs and commented on tentative plans for redirecting the program. Further meetings of the

Subcommittee will be scheduled if needed.

The meeting will be open to the public. Any member of the public wishing to attend or submit a paper, or wishing further information should contact the Secretariat, Science Advisory Board (A-101), U.S. Environmental Protection Agency, Washington, D.C. 20460 by c.o.b. April 7, 1980. Please ask for Mr. Kenneth Goggin. The telephone number is (202) 472-9444. Richard M. Dowd,

Staff Director, Science Advisory Board.

March 19, 1980.

[FR Doc. 80-9125 Filed 3-25-80; 8:45 am]

BILLING CODE 6560-01-M

[OPP-50456A, FRL 1446-5]

Issuance of Experimental Use Permit; Correction

On Monday, March 3, 1980 (45 FR 13184), information appeared pertaining to the issuance of an experimental use permit, No. 400-EUP-59, to Uniroyal, Inc. In the SUMMARY and SUPPLEMENTARY INFORMATION sections the active ingredient should have read "2[[1-[2,5-dimethylphenyl]ethyl]sulfonyl] pyridine 1-oxide." (PM-25, Robert J. Taylor, Room: E-359, Telephone: 202-755-2196).

Dated: March 20, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-9127 Filed 3-25-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL1446-3]

Water Programs; Determination of Primary Enforcement Responsibility

This public notice is issued under section 1413 of the Safe Drinking Water Act of 1977, Pub. L. 95-190 (amending 42 U.S.C. 300f et seq.), and 40 CFR 142.10, National Interim Primary Drinking Water Regulations, published at 41 FR 2918 (January 20, 1976).

An application, dated March 12, 1980 has been received from Dr. Lloyd F. Novick, Commissioner, State of Vermont, Department of Health requesting that the Department of Health be granted primary enforcement responsibility for public water systems in Vermont, in accordance with the provisions of the Safe Drinking Water Act. Supplementing the application there have also been received (1) two opinions from the Vermont Attorney General dated October 25, 1979 and January 23, 1979, clarifying certain provisions of the Vermont Statutes, (2) a letter dated March 13, 1980 and an

attachment making changes to the January 23, 1979 Attorney General's opinion, (3) a memorandum of agreement between the Environmental Protection Agency and the Vermont Department of Health concerning enforcement against federal facilities and (4) a letter dated March 17, 1980, from the Commissioner.

In response, I have determined as Regional Administrator of the U.S. Environmental Protection Agency, Region I, the Vermont Department of Health has met all conditions of the Safe Drinking Water Act and subsequent regulations for the assumption of primary enforcement responsibility for public water systems in Vermont.

(1) Has adopted drinking water regulations which are no less stringent than the National Interim Primary Drinking Water Regulations;

(2) Has adopted and will implement adequate procedures for the enforcement of such regulations, including:

a. Maintenance of an inventory of public water systems.

b. A systematic program for conducting sanitary surveys of public water systems.

c. Availability of laboratory facilities certified by EPA and capable of performing analytical measurements of all contaminants specified in the regulations.

d. Establishment and maintenance of an activity to assure that the design and construction of new or substantially modified facilities will be capable of compliance with the regulations.

(3) Has adopted statutory or regulatory enforcement authority to compel compliance with the regulations;

(4) Will keep such records and make such reports as required;

(5) Has adopted and can implement an adequate plan for the provision of safe drinking water under emergency circumstances.

All documents relating to this determination are available for public inspection during normal business hours, Monday through Friday, at the following offices:

Vermont Department of Health, Division of Environmental Health, 60 Main Street, Burlington, Vermont 05401

U.S. Environmental Protection Agency, Region I, Drinking Water Branch, John F. Kennedy Federal Building, Boston, Massachusetts 02203

All interested parties are invited to submit written comments on this determination. Written comments must be received within 30 days of publication of this notice.

Further information may be obtained by writing the Drinking Water Branch of the U.S. Environmental Protection Agency, Region I or the Division of Environmental Health, Vermont Department of Health, or by calling Jerome J. Healey at (617) 223-6486 or Kenneth M. Stone at (802) 862-5701.

A public hearing may be requested by any interested person. Frivolous or insubstantial requests for a public hearing may be denied; however, if a substantial request is received within 30 days of publication of this notice, a public hearing will be held and notice given in the *Federal Register* and newspaper of general circulation. Such requests shall be addressed to:

William R. Adams, Jr., Regional Administrator, U.S. Environmental Protection Agency, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203

and shall include the following information:

(1) The name, address, and telephone number of the individual, organization or other entity requesting a hearing.

(2) A brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intends to submit at such hearing.

(3) The signature of the individual making the request; or if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

If no timely request for a hearing is received, my determination shall become effective 30 days after the publication of this notice.

If there is a substantial request for a hearing this notice shall not become effective until after such hearing, at which time I shall issue an order affirming or rescinding my determination. If the determination is affirmed it shall become effective as of the date of that order.

Dated: March 20, 1980.

William R. Adams, Jr.,
Regional Administrator.

[FR Doc. 80-9126 Filed 3-25-80; 6:45 am]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 79-63]

American Telephone & Telegraph Co.; Petition for Modification of Prescribed Rate of Return

Order (44 FR 60158)

Adopted: March 14, 1980.

Released: March 19, 1980.

By the Chief, Common Carrier Bureau:

1. On March 3, 1980, the American Telephone and Telegraph Company Long Lines Department (AT&T) filed Transmittal Nos. 13424, 13425 and 13426 in which it proposed higher tariff rates for all its services and equipment. These rates are designed to produce a rate-of-return in excess of the 9.5% prescribed in 1976. These tariff changes are scheduled to become effective serially on June 1, 1980, July 1, 1980, and October 1, 1980. Nineteen Bell operating companies also filed tariff changes.¹

2. In order for the Commission to answer the questions associated with the above tariff filings, it may be necessary to have part or all of the record in this docket certified to the Commission. AT&T has presented its direct case and has been subjected to cross-examination. The hearing schedule provides for the non-AT&T parties to present their direct cases in a bifurcated fashion on April 4, 1980, and April 18, 1980. Cross-examination of the non-AT&T parties' witnesses is scheduled to begin on May 5, 1980. If it should develop that the Commission desires to have the record certified to it to aid in resolving the issues arising from AT&T's filing revised higher tariff rates, it is important that the record be as complete as possible.

3. Section 4(j) of the Act, 47 U.S.C. 154(j), provides that the Commission may "issue such orders, not inconsistent with this chapter, as may be necessary in the execution of its functions," and Section 4(j) of the Act, 47 U.S.C. 154(j), provides for the Commission to "conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice." In order to insure that the Commission retains the necessary flexibility to act on AT&T's tariff application, we find that the public interest requires strict adherence to the hearing schedule set forth in paragraph 2 above and that any extensions of time must be supported by a strong showing of need. We will therefore require that any request for an extension of time in

¹These filings were as follows: Bell of Pennsylvania, TR No. 625; C & P Telephone, TR No. 35; Cincinnati Bell, TR No. 272; Illinois Bell, TR No. 634; Indiana Bell, TR No. 644; Michigan Bell, TR No. 406; Mountain Bell, TR No. 582; New England Telephone, TR No. 620; New Jersey Bell, TR No. 330; New York Telephone Company, TR No. 54; Northwestern Bell, TR No. 858; Ohio Bell Telephone Company, TR No. 570; Pacific Northwest Bell, TR No. 25; Pacific Telephone, TR No. 929; South Central Bell, TR No. 40; Southern Bell, TR No. 1193; Southern New England Telephone TR No. 226; Southwestern Bell, TR No. 1143; and Wisconsin Telephone, TR No. 455.

the hearing schedule shall be directed to the Commission.

4. Accordingly, it is ordered, pursuant to authority delegated by Section 0.91(h) and 0.291 of the Commission's Rules, 47 C.F.R. 0.91(h) and 0.291, that any motions for extensions of time in this proceeding filed prior to the resolution of the referenced AT&T tariff filing shall be directed to the Commission.

5. It is further ordered, pursuant to authority delegated by Section 0.91(h) and 0.291 of the Commission's Rules, 47 C.F.R. 0.91(h) and 0.291, that any motions for extension of time filed during this period with the presiding Administrative Law Judge shall be denied, or, at the discretion of the presiding Administrative Law Judge, certified to the Commission if the presiding Administrative Law Judge believes good cause may exist for the granting of an extension of time. Federal Communications Commission.

Philip L. Verveer,
Chief, Common Carrier Bureau.

[FR Doc. 80-9079 Filed 3-25-80; 8:45 am]

BILLING CODE 6712-01-M

[Report No. A-11]

Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: March 18, 1980.

Cut-off Date: April 30, 1980.

Notice is hereby given that the applications listed in the attached appendix are hereby accepted for filing. They will be considered ready and available for processing after April 30, 1980. An application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on April 30, 1980 which involves essentially the same facilities as any application on this list must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., not later than the close of business on April 30, 1980.

Petitions to deny any application on this list must be on file with the Commission no later than the close of business on April 30, 1980.

It should be noted that the Commission has granted the listed applicants for interim authority permission to operate the facilities specified on a temporary basis. Thus, the invitation specified herein is for authority to operate the facilities listed on an interim basis only. Potential applicants who desire to operate the facilities as regular licensees will be given opportunity to apply at a later date, if they have not done so already.

Federal Communications Commission,
William J. Tricarico,
Secretary.

Appendix

BPI-80022AD Berlin, New Hampshire, Berlin Chamber of Commerce, Inc., Req. 1400 KHz, 250 W, 1 kW-LS, U, facilities of former station WBRL, Berlin, N.H., on an interim basis.

BPI-800304AA Berlin, New Hampshire, Community Broadcasting Association of Berlin, Inc., Req. 1230 KHz, 250 W, 1 kW-LS, U, facilities of former station WMOU, Berlin, N.H. on an interim basis.

BPHI-800304AB Berlin, New Hampshire, Community Broadcasting Association of Berlin, Inc., Req. 103.7 MHz, Channel 279C, 17 kW, 160 FT (H & V), facilities of former station WXLQ, Berlin, N.H., on an interim basis.

[FR Doc. 80-9081 Filed 3-25-80; 8:45 am]

BILLING CODE 6712-01-M

FM and TV Translator Applications Ready and Available for Processing Pursuant to Section 73.3572(c) and 73.3573(d) of the Commission's Rules

Adopted: March 12, 1980.

Released: March 19, 1980.

By the Chief, Broadcast Facilities Division:

Notice is hereby given pursuant to Section 73.3572(c) and 73.3573(d) of the Commission's Rules, that on April 29, 1980, the TV and FM translator applications listed in the attached Appendix will be considered ready and available for processing. Pursuant to Sections 1.227(b)(1) and 73.3591(b) of the Rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on April 28, 1980, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and submitted for filing at the offices of the Commission in Washington, D.C., by the close of business on April 28, 1980.

Any party in interest desiring to file pleadings concerning any pending TV or FM translator application, pursuant to Section 309(d)(1) of the Communications Act of 1934, as amended, is directed to Section 73.3584(a) of the Rules, which specifies the time for filing and other requirements relating to such pleadings.

Federal Communications Commission,
William J. Tricarico,
Secretary.

UHF TV Translator Applications

BPTT-790416IH (new), Parowan, Utah, Iron County, Req. Channel 50, 686-692 MHz, 20 watts. Primary: KUTV-TV, Salt Lake City, Utah

BPTT-790420IF (new), Parowan, Utah, Iron County, Req. Channel 46, 662-668 MHz, 20 watts. Primary: KSL-TV, Salt Lake City, Utah

BPTT-790420IG (new), Parowan, Utah, Iron County, Req. Channel 48, 674-680 MHz, 20 watts. Primary: KTVX-TV, Salt Lake City, Utah

BPTT-790604JI (new), Capitola Watsonville and Santa Cruz, California, Santa Clara County Board of Education. Req. Channel 25, 536-542 MHz, 1000 watts. Primary: KTEH-TV, San Jose, California

BPTT-791129IA (new), Poway and Surrounding Areas in San Diego, California, Global Television, Inc. Req. Channel 48, 674-680 MHz, 100 watts. Primary: KSCI-TV, San Bernardino, California

BPTT-791217IO (new), Kaneohe and Kailua (Honolulu), Hawaii, Hawaii Public Broadcasting Authority. Req. Channel 38, 614-620 MHz, 1000 watts. Primary: KMEB-TV, Wailuku (Maui), Hawaii

BPTT-791221IM (new), Lovell and Greybull Rural Areas, Wyoming, Harriscopes Broadcasting Corporation. Req. Channel 61, 752-758 MHz, 100 watts. Primary: KULR-TV, Billings, Montana

BPEX-791113ID (new), Washington, D.C., Los Cerezos Television Company. Req. Channel 56, 722-728 MHz, 1000 watts. Primary: KWEX-TV, San Antonio, Texas

BPEX-791113IE (new), Denver, Colorado, Spanish International Communications Corporation. Req. Channel 31, 572-578 MHz, 1000 watts. Primary: KWEX-TV, San Antonio, Texas

BPTT-790503IE (new), Flagstaff, Arizona, Arizona Television Company. Req. Channel 55, 716-722 MHz, 100 watts. Primary: KTVK-TV, Phoenix, Arizona

BPTT-790514IC (new), Cripple Creek and Mountain Estates, Colorado, Cripple Creek Mountain Estates Property Owner's Association. Req. Channel 55, 716-722 MHz, 10 watts. Primary: KOA-TV, Denver, Colorado

BPTT-790514ID (new), Cripple Creek and Mountain Estates, Colorado, Cripple Creek Mountain Estates Property Owner's Association. Req. Channel 57, 728-734 MHz, 10 watts. Primary: KMGH-TV, Denver, Colorado

BPTT-790514IE (new), Cripple Creek, Mountain Estates, Colorado, Cripple Creek Mountain Estates Property Owner's Association. Req. Channel 59, 740-746 MHz, 10 watts. Primary: KBTV-TV, Denver, Colorado

BPTT-790607ID (K56AU), Columbia & Boone City, Missouri, New Wave Corporation. Req. Change frequency to Channel 23, 524-530 MHz, specify principal communities as Columbia and Boone County, Missouri

BPTT-791203IA (new), Dundee, New York, Village of Dundee, New York. Req. Channel 56, 722-728 MHz, 10 watts. Primary: WCNY-TV, Syracuse, New York.

VHF TV Translator Applications

BPTTV-790521IK (new), Alamo, Ash Springs, and Hiko, Nevada, Pahrangat Valley Television District. Req. Channel 2, 55-60 MHz, 5 watts. Primary: KORK-TV, Las Vegas, Nevada

BPPTV-790521IL (new), Alamo, Ash Springs, Hiko in Pahrnagat Valley, seasonal ranch facilities in Delamar Valley, Nevada, Pahrnagat Valley Television District. Req: Channel 7, 175-180 MHz, 1 watt. Primary: KORK-TV, Las Vegas, Nevada

BPPTV-790418IA (K04IG), Kiana, Alaska, City Of Kiana. Req: Add KTVA-TV, Channel 11, KIMO, Channel 13, KENI-TV, Channel 2 & KAKM, Channel 7, All Anchorage, Alaska to present primary TV Stations

BPPTV-790419IC (K04HV), Sand Point, Alaska, City Of Sand Point. Req: Add KIMO, Channel 13, KENI-TV, Channel 2, KTVA-TV, Channel 7, All Anchorage, Alaska to present primary TV Stations

BPPTV-790419ID (K02JI), Angoon, Alaska, Angoon Public Schools. Req: Add KYUK-TV, Channel 4, Bethel, & KUAC-TV, Channel 9, Fairbanks, Alaska to present primary TV Stations

BPPTV-790423IL (new), Girdwood Valley and Vicinity, Alaska, Northern Television, Inc. Req: Channel 12, 204-210 MHz, 10 watts. Primary: KTVA-TV, Anchorage, Alaska

BPPTV-790820IF (new), Venetie, Alaska, Venetie Village Council. Req: Channel 2, 54-60 MHz, 10 watts. Primary: KUAC-TV, Fairbanks, KYUK-TV, Bethel, KTOO-TV, Juneau, KAKM-TV, KIMO-TV, KTVA-TV, KENI-TV, Anchorage, Alaska

BPPTV-790828IA (new), Allakaket, Alaska, Allakaket City, Council. Req: Channel 2, 54-60 MHz, 10 Watts. Primary: KUAC-TV, Fairbanks, KYUK-TV, Bethel, KTOO-TV, Juneau, KAKM-TV, KIMO-TV, KTVA-TV, KENI-TV, Anchorage, Alaska

BPPTV-790911IB (new), Hughes, Alaska, Hughes Community Council. Req: Channel 2, 54-60 MHz, 10 watts. Primary: KUAC-TV, Fairbanks, KYUK-TV, Bethel, KTOO-TV, Juneau, KAKM-TV, KIMO-TV, KTVA-TV, KENI-TV, Anchorage, Alaska

BPPTV-791015IB (new), Sleetmute, Alaska, Sleetmute, Village Council. Req: Channel 12, 204-210 MHz, 10 watts. Primary: KUAC-TV, Fairbanks, KYUK-TV, Bethel, KTOO-TV, Juneau, KAKM-TV, KIMO-TV, KTVA-TV, KENI-TV, Anchorage, Alaska

BPPTV-791105IB (new), Minto, Alaska, Minto Village Council. Req: Channel 7, 174-180 MHz, 10 watts. Primary: KUAC-TV, Fairbanks, KYUK-TV, Bethel, KTOO-TV, Juneau, KENI-TV, KAKM-TV, KIMO-TV, KTVA-TV, KENI-TV, Anchorage, Alaska

BPPTV-791126IC (new), Hooper Bay, Alaska, Hooper Bay City, Council. Req: Channel 7, 174-180 MHz, 100 watts. Primary: KUAC-TV, Fairbanks, KYUK-TV, Bethel, KTOO-TV, Juneau, KAKM-TV, KIMO-TV, KTVA-TV, KENI-TV, Anchorage, Alaska

BPPTV-791129IB (new), Seward, Alaska, City of Seward. Req: Channel 3, 60-66 MHz, 10 watts. Primary: KUAC-TV, Fairbanks, KYUK-TV, Bethel, KTOO-TV, Juneau, KAKM-TV, KIMO-TV, KTVA-TV, KENI-TV, Anchorage, Alaska

BPPTV-791211ID (new), Ashland and Rural Area, Montana, Ashland Television District. Req: Channel 9, 186-192 MHz, 10 watts. Primary: KTVQ-TV, Billings, Montana

BPPTV-791212IB (new), Glenallen and Copper Center, Alaska, State Of Alaska.

Req: Channel 5, 76-82 MHz, 100 watts. Primary: KTVA-TV, KENI-TV, KIMO-TV, KAKM-TV, Anchorage, KTOO-TV, Juneau, KYUK-TV, Bethel, KUAC-TV, Fairbanks

BPPTV-791214IB (new), St. Mary's Alaska, City of Saint Mary's. Req: Channel 9, 186-192 MHz, 10 watts. Primary: KUAC-TV, Fairbanks, KYUK-TV, Bethel, KTOO-TV, Juneau, KAKM-TV, KIMO-TV, KTVA-TV, KENI-TV, Anchorage, Alaska

BPPTV-791214IC (new), Red Devil, Alaska, Red Devil Village Council. Req: Channel 13, 210-216 MHz, 10 watts. Primary: KUAC-TV, Fairbanks, KYUK-TV, Bethel, KTOO-TV, Juneau, KAKM-TV, KIMO-TV, KTVA-TV, KENI-TV, Anchorage, Alaska

BPPTV-791214ID (new), Galena, Alaska, City of Galena. Req: Channel 10, 102-198 MHz, 10 watts. Primary: KUAC-TV, Fairbanks, KYUK-TV, Bethel, KTOO-TV, Juneau, KAKM-TV, KIMO-TV, KTVA-TV, KENI-TV, Anchorage, Alaska

BPPTV-791214IE (new), Alakanuk, Alaska, Alakanuk City Council. Req: Channel 4, 66-72 MHz, 10 watts. Primary: KUAC-TV, Fairbanks, KYUK-TV, Bethel, KTOO-TV, Juneau, KAKM-TV, KIMO-TV, KTVA-TV, KENI-TV, Anchorage, Alaska

BPPTV-791227IC (new), Mountain Village, Alaska, Azachorak Corporation. Req: Channel 7, 174-180 MHz, 10 watts. Primary: KUAC-TV, Fairbanks, KYUK-TV, Bethel, KTOO-TV, Juneau, KAKM-TV, KIMO-TV, KTVA-TV, KENI-TV, Anchorage, Alaska

BPPTV-800129IA (new), Crooked Creek, Alaska, Crooked Creek Traditional Council. Req: Channel 7, 174-180 MHz, 10 watts. Primary: KUAC-TV, Fairbanks, KYUK-TV, Bethel, KTOO-TV, Juneau, KAKM-TV, KIMO-TV, KTVA-TV, KENI-TV, Anchorage, Alaska

BPPTV-800129IB (new), Pilot Station, Alaska, Pilot Station City Council. Req: Channel 13, 210-216 MHz, 10 watts. Primary: KUAC-TV, Fairbanks, KYUK-TV, Bethel, KTOO-TV, Juneau, KAKM-TV, KIMO-TV, KTVA-TV, KENI-TV, Anchorage, Alaska

FM Translator Applications

BPFT-790503ID (new), Cottonwood, Clarkdale and Cornville, Arizona, Arizona Television Company. Req: Channel 38, 614-620 MHz, 100 watts. Primary: KTVK-FM, Phoenix, Arizona

BPFT-790808IG (new), Tok, Tanacross and Adjacent Areas, Alaska, Evangelistic Missionary Fellowship. Req: Channel 285, 104.9 MHz, 10 watts. Primary: KJNP-FM, North Pole, Alaska

BPFT-791113IB (new), Inyokern, Randsburg, Cantil, California, Kitchen Production, Inc. Req: Channel 285, 100.9 MHz, 1 watt. Primary: KIOQ-FM, Bishop, California

BPFT-791119IE (new), Inyokern, California, Kitchen Productions. Req: Channel 221, 92.1 MHz, 1 watt. Primary: KTOT-FM, Big Bear Lake, California

BPFT-791213IA (new), Homewood, Vestavia Hills, and Cahaba Heights, Alabama, Briarwood Continuing Presbyterian Church. Req: Channel 237, 95.3 MHz, 1 watt. Primary: WMBW-FM, Chattanooga, Tennessee

BPFT-791217IA (new), Rochester, Minnesota, Southern Minnesota Broadcasting Company. Req: Channel 280, 103.9 MHz, 10

watts. Primary: KROC-FM, Rochester, Minnesota

BPFT-791107IB (new), Homer, Alaska, KGTL-FM, Peninsula Communications, Inc. Req: Channel 272, 102.3 MHz, 10 watts. Primary: KGTL-FM, Homer, Alaska

BPFT-791009IJ (new), Craig, Klawock & Hyaburg, Alaska, Craig City Schools. Req: Channel 261, 100.1 MHz, 15 watts. Primary: KRBD-FM, Ketchikan, Alaska

UHF TV Translator Applications

BPFT-790906ID (new), La Cruces & Organ, New Mexico, Marsh Media Of El Paso. Req: Channel 57, 728-734 MHz, 100 watts. Primary: KVIA-TV, El Paso, Texas.

[FR Doc. 80-9080 Filed 3-25-80; 8:45 am]

BILLING CODE 6712-01-M

[PR Docket No. 80-111; File Nos. 22769/70/71-IB-TV89]

Mello's Sheet Metal, Inc.; For Authorization for New Facilities in the Business Radio Service; Designating Application for Hearing on Stated Issues

Memorandum Opinion and Order

Adopted: March 17, 1980.

Released: March 20, 1980.

By The Chief, Private Radio Bureau:
1. The Chief, Private Radio Bureau (the Bureau) has before him for consideration the above-captioned authorizations of Mello's Sheet Metal, Inc. (Mello) 104 Railroad Avenue Antioch, California 94509, for authorization of new radio facilities in the Business Radio Service. The applications, initially filed August 20, 1979, were returned as defective October 18, 1979. They were resubmitted November 6, 1979. Also before the Bureau is information concerning an investigation conducted by the San Francisco District Office of the Commission's Field Operations Bureau into Mello's unlicensed operations of the radio facilities proposed in its applications.

2. It appears from the San Francisco office's investigation that Mello's unlicensed operation commenced on September 24, 1979, and continued until it was discovered by the Field Operations Bureau on November 1, 1979. It also appears that Mello was aware that its operation was unlicensed.

3. The information before the Bureau concerning Mello's unlicensed operations raises serious questions as to whether Mello possesses the requisite character qualifications or is sufficiently competent or shows sufficient interest with respect to the licensing and implementation of radio facilities to receive a grant of the authorizations which it here seeks. Because the Bureau

cannot make the necessary finding, pursuant to Section 309(a) of the Communications Act of 1934, as amended, that a grant of the above-referenced applications would serve the public interest, convenience and necessity, the applications must, in accordance with Section 309(e) of the Act, be designated for hearing.

4. Accordingly, it is ordered, that in accordance with the provisions of Section 309(e) of the Communications Act of 1934, as amended (47 U.S.C. 309(e)), the above-captioned applications of Mello's Sheet Metal, Inc., File Nos. 22769/70/71-IB-TV89, for authorization of new facilities in the Business Radio Service are, pursuant to authority delegated in Sections 0.131(a) and 0.331 of the Commission's Rules, designated for hearing, at a time and place to be specified at a later date, on the following issues:

(a) To determine whether Mello's Sheet Metal, Inc. operated radio facilities in the Business Radio Service which were not licensed to it.

(b) To determine whether any unlicensed operations by Mello's Sheet Metal, Inc. was knowing or willful or negligent.

(c) To determine, in light of the evidence adduced pursuant to issues (a) and (b) hereinabove, whether Mello's Sheet Metal, Inc. possesses the requisite character qualifications to receive a grant of the applications which are the subject of this proceeding.

(d) To determine, in light of the evidence adduced pursuant to issues (a) and (b) hereinabove, whether Mello's Sheet Metal, Inc. has exhibited such lack of interest or carelessness concerning conduct of its affairs with respect to the licensing and implementation of radio facilities that it should not be entrusted with the radio authorizations which it is here seeking.

(e) To determine, in light of the evidence adduced pursuant to each of the foregoing issues, what disposition of the above-captioned applications of Mello's Sheet Metal, Inc. will best serve the public interest, convenience and necessity.

5. It is further ordered, that Mello's Sheet Metal, Inc. and the Chief, Private Radio Bureau are made parties in this proceeding.

6. It is further ordered, that the burden of proceeding with the introduction of evidence and the burden of proof are, pursuant to Section 309(e) of the Communications Act of 1934, as amended, and Sections 1.254 and 1.973(e) of the Commission's Rules, upon Mello's Sheet Metal, Inc. with respect to the issues set forth in paragraph 4 hereinabove.

7. It is further ordered, that each of the parties named in paragraph 5 hereinabove, in order to avail itself of the opportunity to be heard, shall within 20 days of the mailing of this notice of designation by the Secretary of the Commission, file with the Commission, in triplicate, a written notice of appearance that it will appear on the date fixed for hearing and present evidence on the issues specified in this Order, as prescribed in Section 1.221 of the Commission's Rules.

8. It is further ordered, that the Secretary of the Commission shall serve a copy of this Order, by Certification Mail, Return Receipt Requested, upon Mello's Sheet Metal, Inc. at the address furnished in its applications.

Federal Communications Commission.

Carlos V. Roberts,

Chief, Private Radio Bureau.

[FR Doc. 80-9078 Filed 3-25-80; 8:45 am]

Billing Code 6712-01-M

[Report A-7]

TV Broadcast Applications Accepted for Filing and Notification of Cut off Date

Released: March 18, 1980.

Cut off date: May 16, 1980.

Notice is hereby given that the applications listed in the attached appendix are accepted for filing. They will be considered to be ready and available for processing after May 16, 1980. An application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on May 16, 1980 which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., no later than May 16, 1980.

Petitions to deny any application on this list must be on file with the Commission not later than the close of business on May 16, 1980.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Report A-7

BPCT-790914KE (new), Mobile, Alabama, Alabama Orion, Inc., Channel 216, ERP: Vis. 1240 kW; HAAT: 620 feet
BPCT-790928KK (new), North Little Rock, Arkansas, Christian Center, Inc., Channel 16, ERP: Vis. 253 kW; HAAT: 202 feet
BPCT-791218KF (new), Little Rock, Arkansas, Gemini Broadcasting Company, Channel 16, ERP: Vis. 2404 kW; HAAT: 1557 feet
BPCT-790920KH (new), Roanoke, Virginia, Western Virginia Television Company,

Channel 27, ERP: Vis. 1296 kW; HAAT: 2050 feet
BPCT-790718KE (new), Kannapolis, North Carolina, Community Actions Communications, Inc., Channel 64, ERP: Vis. 12.4 kW; HAAT: 318 feet
BPCT-790928KI (new), Kannapolis, North Carolina, Cabarrus Television Corporation, Channel 64, ERP: Vis. 977 kW; HAAT: 1400 feet
BPCT-791004KF (new), Topeka, Kansas, Capcom, Channel 49, ERP: Vis. 1070; HAAT: 986 feet
BMPCT-800102KF (WVGA-TV), Valdosta, Georgia, Peachtree Telecasting, Inc., Channel 44, Change site, change ERP to 1285 kW, change HAAT to 920 feet

[FR Doc. 80-9082 Filed 3-25-80; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 80-103; File No. BPH-10,373; BC Docket No. 80-104; File No. BPH-10,918]

Scott Davis; Designating Applications for Consolidated Hearing on Stated Issues

HEARING DESIGNATION ORDER

Adopted: March 7, 1980.

Released: March 18, 1980.

In re applications of Scott & Davis Enterprises, Inc., Bryan, Texas, Req: 104.9 MHz, Channel 285 3 kw (H&V), 300 feet; Brazos Metro, Inc., Bryan, Texas, Req: 104.9 MHz, Channel 285 3 Kw (H&V), 300 feet, for construction permits for a new FM station.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration: (a) the above-captioned mutually exclusive applications, filed by Scott & Davis Enterprises, Inc. (Scott), and Brazos Metro, Inc. (Brazos), (b) petitions to specify issues, and (c) responsive pleadings thereto.

2. *Scott*.—Analysis of the financial data submitted by Scott reveals that \$114,800 will be required to construct and operate the proposed station for three months, itemized as follows:

Equipment.....	\$54,137
Building.....	6,000
Miscellaneous (including legal fees).....	30,000
Operating costs (three months).....	24,663
Total.....	114,800

3. Scott plans to finance its cost with a loan of \$119,500 from the First National Bank of Bryan. However, the loan will only be extended once Scott receives a construction permit, and therefore, Scott cannot rely upon it to pay pre-grant costs, most notably the legal fees incident to the hearing.

4. Scott has estimated that its legal fees will be \$25,000. To meet this, Bob Bell, owner 55% of the stock in Scott, intends to contribute the necessary funds. For \$10,000 of that amount, Bell

submits a letter from Radio Paris stating its willingness to pay to him upon demand \$10,000 of a \$43,000 Radio Paris note he holds. However, it is not shown that Radio Paris has the net liquid assets to fulfill its commitment to Bell. Bob Bell has also submitted a letter from the First Bank and Trust Company of Bryan, Texas, offering to loan him \$7,500 for hearing expenses. This offer expired November 7, 1979. No updated bank letter has been submitted. Bell also proposes to pay \$7,500 from his personal assets. However, the most recent balance sheet Bell submitted, dated June 30, 1978, does not establish that current assets exceed current liabilities by at least \$7,500, and therefore, it is still a question whether Scott has the financial ability to pay legal expenses incident to a hearing. A limited financial issue will be included.

5. *Brazos*.—Analysis of the financial data submitted by Brazos in its application, and its amendment dated July 13, 1979, reveals that \$86,254 will be required to construct and operate the proposed station for three months, as follows:

Equipment.....	\$21,688
Down payment on tower.....	5,483
Payments on tower (five months).....	2,833
Studio and Transmitter Site Lease.....	1,000
Miscellaneous (including legal fees).....	27,600
Operating expenses (three months).....	27,650
Total.....	\$66,254

6. To meet this cost, Brazos intends to rely on a loan of \$50,000 from the City National Bank, a loan of \$25,000 for legal fees from the Merchants and Planters National Bank, and loans of \$30,000 each from stockholders Thomas Spellman and Boyd Kelly. The two bank loans have been shown to be available. However, Brazos did not submit the terms and conditions of the loans from its two stockholders, nor did it submit a personal balance sheet for the two. It is therefore not established that Spellman and Kelly have the funds available to loan Brazos \$30,000 each (especially in light of the fact that Spellman and Kelly are also personal guarantors for the two bank loans to Brazos). A limited financial issue will be specified to determine whether Brazos has available any funds above the bank loans of \$50,000 and \$25,000.

7. It does not appear that Brazos has interviewed leaders of industry, military, or professional groups (Brazos did report interviews with four professional persons, but none were identified as leaders of professional groups), though its compositional study indicates that all three groups are significant in Bryan, Texas. While the absence of interviews for any one of these groups might not render the survey

by Brazos deficient, certainly with the absence of three key groups of Bryan, Brazos' survey is not in substantial compliance with the *Primer on Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650 (1971). Therefore, a limited ascertainment issue will be specified against Brazos.

8. Brazos has requested that an inquiry be conducted under the standard comparative issue to determine which of the program formats proposed by the applicants would better serve the needs of Bryan, Texas. To merit such an inquiry, Brazos must show that it has proposed a specialized format, and that this format is not available in the Bryan-College Station market in a substantial amount. *George E. Cameron, Jr., Communications*, 71 FCC 2d 460, 45 RR 2d 689 (1979). However, under the new procedures for processing mutually exclusive applications, a party to a proceeding may not file such requests prior to the issuance of the hearing designation order, but will be allowed to put forward its petition for an inquiry at the appropriate time before the presiding Administrative Law Judge. *Fletcher, Heald and Hildreth*, FCC 80-33, released February 7, 1980. Therefore, we decline Brazos' request without prejudice to Brazos raising the issue at hearing.

9. Other issues requested by Brazos and Scott, except to the extent that they are the same as the financial and ascertainment deficiencies indicated above, are not discussed in this order but may be raised later by the parties at hearing in a petition to enlarge issues.

10. Data submitted by the applicants indicate that there would be no significant difference in the size of the areas which would receive service from the proposals. The contour of Brazos' signal would cover 660 square miles, and the contour of Scott's signal would cover 666 square miles. However, there is a significant difference in the estimated populations to be served. Brazos says its signal would serve 58,716 persons and Scott says its signal would serve 83,647 persons. An analysis of the two contours shows that they cover nearly identical areas; therefore, either one party made an error in its estimation of population, or the two parties based their estimates on different figures (one, perhaps, using the 1970 census, and the other using a more recent estimate). Consequently, the areas and populations which would receive service from the proposals will not be considered under the standard comparative issue.

11. Except as indicated by the issues specified below, the applicants are

qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding.

12. Accordingly, IT IS ORDERED, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications ARE DESIGNATED FOR HEARING IN A CONSOLIDATED PROCEEDING, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine with respect to Scott:

(a) the source and availability of funds to pay legal fees incident to a hearing; and

(b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

2. To determine with respect to Brazos:

(a) the source and availability of additional funds over and above the \$75,000 indicated; and

(b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

3. To determine whether Brazos interviewed leaders of industry, professional groups, and military groups in connection with its ascertainment effort.

4. To determine which of the proposals would, on a comparative basis, better serve the public interest.

5. To determine in light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

13. It is further ordered, That the petitions to specify issues filed by Brazos and Scott are granted to the extent indicated above, ARE DENIED to the extent discussed above, and that petitions to enlarge on issues not discussed above may be filed at the appropriate time before the Administrative Law Judge for further action.

14. It is further ordered, That the petitions for leave to amend filed by Brazos are granted and the corresponding amendments are accepted.

15. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

16. It is further ordered, That the applicants herein shall, pursuant to

Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

[FR Doc. 80-9077 Filed 3-25-80; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL HOME LOAN BANK BOARD

First Savings and Loan Association, Honolulu, Hawaii; Corrected Notice of Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in section 406(c)(2) of the National Housing Act, as amended (12 U.S.C. 1729(c)(2)), the Federal Home Loan Bank Board appointed the Federal Savings and Loan Insurance Corporation as sole receiver for First Savings and Loan Association, Honolulu, Hawaii, effective upon compliance with the provisions of Federal Home Loan Bank Board Resolution No. 80-114, dated February 25, 1980. The appointment was effected on February 25, 1980.

Submitted: March 21, 1980.

Dated: March 5, 1980.

J. J. Finn,

Secretary.

[FR Doc. 80-9153 Filed 3-25-80; 8:45 am]

BILLING CODE 6720-02-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Notice of Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or

gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than April 18, 1980.

A. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President), 400 Sansome Street, San Francisco, California 94120:

Sandy Holding Company, Sandy, Utah (industrial loan, loan servicing, and credit-related insurance activities; Utah); to engage, through its subsidiary, Alta First Thrift, in operating a thrift and loan as authorized by Utah Law, including the acceptance of time and savings deposits; making, acquiring, and servicing loans and other extensions of credit; and selling life, accident and health insurance directly related to extensions of credit. These activities would be conducted from an office in Sandy, Utah, servicing Sandy City and the southern part of Salt Lake County. Comments on this application must be received by April 16, 1980.

B. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President), 33 Liberty Street, New York, New York 10045:

Manufacturers Hanover Corporation, New York, New York (second mortgage lending and insurance activities; North Carolina): to engage through a *de novo* indirect subsidiary, The Financial Source, Inc., of North Carolina, in arranging, making or acquiring for its own account or for the account of others, loans and other extensions of credit secured by second mortgages on residential real property such as would be made by a consumer finance company; servicing such loans and other extensions of credit for any person; acting as agent or broker for the sale of credit life insurance which is directly related to such loans and extensions of credit and, through its subsidiary Ritter Life Insurance Company, reinsuring such

credit life insurance. These activities would be conducted from the existing offices of Ritter Finance Company, Inc., of North Carolina located in and serving the following counties as well as portions of contiguous counties: Moore, Pender, Alamance, Bladen, Robeson, Cumberland, Lenoir, Wilkes, Halifax, Person, Rutherford, Lee, Brunswick, Edgecombe, Anson, Duplin, New Hanover and Yadkin Counties.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, March 19, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-9106 Filed 3-25-80; 8:45 am]

BILLING CODE 6210-01-M

Indiana National Corp.; Proposed Retention of Indun Realty, Inc.

Indiana National Corporation, Indianapolis, Ind., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to retain voting shares of Indun Realty, Inc., Indianapolis, Ind.

Applicant states that the proposed subsidiary would continue to engage in the activities of leasing real property or acting as agent, broker or adviser in leasing such property. These activities would be performed from offices of Applicant's subsidiary in Indianapolis, Ind., and the geographic area to be served is the Cincinnati SMSA. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 18, 1980.

Board of Governors of the Federal Reserve System, March 19, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-9107 Filed 3-25-80; 8:45 am]

BILLING CODE 6210-01-M

National Detroit Corp.; Acquisition of Bank

National Detroit Corporation, Detroit, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of West Michigan Financial Corporation, Cadillac, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 21, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 20, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-9108 Filed 3-25-80; 8:45 am]

BILLING CODE 6210-01-M

Rexford Investment Co., Inc.; Proposed Continuation of General Insurance Agency Activities

Rexford Investment Company, Inc., Rexford, Kansas, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board Regulation Y (12 CFR 225.4(b)(2)), for permission to retain voting shares of the Rexford State Bank, Rexford, Kansas.

Applicant states that the existing subsidiary would continue to engage in general insurance agency activities. These activities would be performed from offices of Applicant's subsidiary in Rexford, Kansas, and the geographic areas to be served are the City of Rexford, Kansas, and portions of Sheridan, Thomas, Rawlins, and Decatur counties; Kansas. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank, not later than April 21, 1980.

Board of Governors of the Federal Reserve System, March 19, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-9109 Filed 3-25-80; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Stanley Works; Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: The Stanley Works is granted early termination of the waiting period provided by law and the premerger notification rules with respect to its proposed acquisition of all stock of Mac

Tools, Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Stanley Works. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: March 13, 1980.

FOR FURTHER INFORMATION CONTACT:

Joan S. Truitt, Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the *Federal Register*.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 80-9212 Filed 3-25-80; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Human Development Services Office

Model State Adoption Act and Model Adoption Procedures; Public Meetings

On April 24, 1978 the Child Abuse Prevention and Treatment and Adoption Reform Act (Pub. L. 95-266) was signed into law. Section 203 of Title II—Adoption Opportunities mandated the creation of an independent expert panel to recommend to the Secretary model legislation and procedures relating to adoption.

The panel's recommendations, which are in the form of a Model State Adoption Act and Model Adoption Procedures, were published in the *Federal Register* for public comment on February 15, 1980. In addition to soliciting written comment by publishing the recommendations in the *Federal Register*, the Department will hold a public meeting in each of the Federal regions to solicit additional comment during the period of public comment which closes May 16, 1980.

A schedule of these public meetings follows. For more information on specific meetings, please contact the regional Adoption Resource Center (ARC) at the number listed.

Region I

JFK Federal Building, Boston, MA, April 30;
9:00 am-5:30 pm, ARC (617) 426-8573

Region II

International Affairs Building, Columbia
University, New York, NY, May 1; 9:00 am-
7:30 pm, ARC (212) 280-5182

Region III

William Green Building, 6th and Arch Streets,
Philadelphia, PA, May 8; 10:00 am-9:00 pm,
ARC (215) 925-0200

Region IV

Walter B. Russell Building, 75 Spring St. NW,
Atlanta, GA, April 10; 10:00 am-6:00 pm,
ARC (919) 966-2646

Region V

Detroit Plaza Hotel, Renaissance Center,
Detroit, MI, April 9; 9:00 am-8:00 pm, ARC
(313) 763-4260

Region VI

Earl Cabell Building, 1100 Commerce Street,
Dallas, TX, April 14; 8:00 am-8:00 pm, ARC
(512) 471-4067

Region VII

Federal Office Building, 601 E. 12th Street,
Kansas City, MO, May 9; 10:00-9:00 pm,
ARC (314) 882-4707

Region VIII

Holiday Inn—Airport, Denver, CO, April 14;
9:00 am-9:00 pm, ARC (303) 399-8652

Region IX

Los Angeles County Health Department, 313
Figueras, Los Angeles, CA, April 23, 10:00
am-9:00 pm, ARC (213) 381-2761

Region X

Pier 66 Commission Chambers, Seattle, WA,
April 25; 10:00 am-9:00 pm, ARC (206) 624-
5480

Arnold Sampson,

HDS Committee Management Officer.

March 19, 1980.

[FR Doc. 80-9134 Filed 3-25-80; 8:45 am]

BILLING CODE 4110-92-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Plan for the Use and Distribution of Kickapoo Tribe of Kansas and Kickapoo Tribe of Oklahoma Judgment Funds

March 11, 1980.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 209 DM 8.

The Act of October 19, 1973 (Pub. L. 93-134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian Tribe. Funds were appropriated on March 1, 1979, in satisfaction of the award granted to the Kickapoo Tribe of Kansas and the Kickapoo Tribe of Oklahoma in Indian Claims Commission Dockets 315 and 338. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated October 30, 1979, and was received (as recorded in the Congressional Record) by the Senate and the House of Representatives on November 1, 1979. Congress not having adopted a resolution disapproving it, the plan became effective on February 3, 1980, as provided by Section 5 of the 1973 Act, *supra*.

The plan reads as follows:
"The funds appropriated on March 1, 1979, in satisfaction of the awards granted to the Kickapoo Tribe of Oklahoma and the Kickapoo Tribe of Kansas in Dockets Nos. 315 and 338, before the United States Court of Claims, including all interest and investment income accrued, less attorney fees and litigation expenses, shall be used and distributed as herein provided.

The Kickapoo Tribe of Kansas and the Kickapoo Tribe of Oklahoma shall each bring their membership rolls current as of the effective date of this plan. The rolls shall be prepared under tribal enrollment criteria and procedures of the respective tribes and shall include the names of all persons born on or prior to and living on the effective date of this plan.

There shall be a 30-day filing period, beginning on the date of official confirmation of the effective date of the plan, for eligible persons who are not already enrolled to file for enrollment. Appeals from rejected applicants shall be handled in accordance with 25 CFR 42—Enrollment Appeals.

When action has been completed on all enrollment applications of the two tribes and the appeal period has expired on all rejected applications, the Secretary of the Interior (herein after 'Secretary'), shall divide such funds between the two tribes on the basis of the number of eligible enrollees of each tribe, reserving sufficient shares in an escrow account to pay each appellant.

Per Capita Aspect

The Secretary shall make a per capita distribution of eighty (80) percent of the apportioned share of the funds of each

tribe, including all interest and investment income accrued, in a sum as equal as possible, to all persons on the approved membership rolls of the respective tribes.

The Secretary, in arranging for the per capita payments to the enrollees of the tribes, shall hold at interest in an escrow account the apportioned share of the funds of the appellants pending determination of enrollment appeals. The amount of any shares not used to pay successful appellants and any balance remaining after the per capita share amount has been computed, shall be apportioned among the two tribes on the basis of their respective rolls, corrected to include the names of successful appellants. The apportioned shares of the funds of each tribe shall be available for use in the program aspect of this plan.

Program Aspect

The judgment funds, including the interest and investment earnings accrued, for the program aspects of the plans of the respective tribes shall be available for utilization by the tribes when membership rolls brought current to the effective date of this plan have been approved and the apportionment of the judgment funds between the Kickapoo Tribe of Kansas and the Kickapoo Tribe of Oklahoma has been determined.

Kickapoo Tribe of Kansas

Land Acquisition Program. Of the funds so apportioned, fifteen (15) percent of the total share to the tribe, including the interest and investment income accrued thereon, shall be utilized in a Land Acquisition Program. The administrative guidelines for the program shall be developed by the Tribal Council for a five-year period and shall be subject to approval by the Secretary.

Of said fifteen percent portion seventy-five (75) percent of such funds, including the interest and investment income thereon, shall be utilized in land loan payments and land purchases.

Tribal Burial Program. The remaining five (5) percent of the total share shall be utilized for a Tribal Burial Program. The administrative guidelines of the program shall be developed by the Tribal Council for a five-year period and shall be subject to approval by the Secretary. Of said five percent portion, twenty-five (25) percent of such funds, including the interest and investment income thereon, shall be available to implement the program.

The balances remaining in the two program accounts shall be invested by the Secretary, and only the interest and

investment income accruing shall be available for use in the continuation of the land acquisition and tribal burial programs. At the end of the five-year program period, the Kickapoo General Council shall have the opportunity to evaluate tribal needs as concerns the remaining balances in the two program accounts, and any changes proposed shall be subject to approval by the Secretary.

Kickapoo Tribe of Oklahoma

The principal portion of the twenty (20) percent program funds shall be held and invested by the Secretary pursuant to 25 U.S.C. 162a. The interest and investment income accruing on the twenty (20) percent program funds shall be utilized in the programs set forth for the benefit of the tribe as a whole, and in the following percentages:

- Land Purchase—50%
- Administration—20%
- Education—20%
- Social Services—5%
- Community Development—5%

Such funds may be withdrawn semi-annually, to be deposited in the tribe's designated depository, with the exception of the Land Purchase portion, which shall be placed in the tribe's Individual Indian Money Account (IIM) at the Shawnee Agency.

In the administration of the programs, administrative guidelines shall be adopted by the Kickapoo General Council, and shall be subject to approval by the Secretary. The tribe shall review the programs annually, including the question of expenditure of any of the principal funds, to meet the social and economic needs of the tribe. Any changes in the programs shall be subject to approval of the Tribal General Council and the Secretary of the Interior.

General Provisions

The per capita shares of living competent adults shall be paid directly to them. The per capita shares of minors shall be handled pursuant to 25 CFR 60.10(a) and (b)(1) and 104.4. The per capita shares of legal incompetents shall be placed in individual Indian money (IIM) accounts and handled under 25 CFR 104.5. The per capita shares of deceased individual beneficiaries shall be determined and distributed in accordance with 43 CFR, Part 4, Subpart D.

None of the funds distributed per capita or made available under the programming aspects of this plan shall be subject to Federal or State income taxes or be considered income or resources in determining eligibility for

assistance under Federal, State or local program.

Rick Lavis,

Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 80-9223 Filed 3-25-80; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[INT DEIS 80-15]

Improved Grazing Management Program for Southwest Montana; Availability of Draft Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Availability of Mountain Foothills Grazing Management Draft Environmental Impact Statement for Southwest Montana.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental impact statement for southwest Montana. The proposed action includes implementing an improved grazing management program in the Dillon Resource Area, Butte District, Bureau of Land Management. The statement analyzes a proposed action (Alternative A) to implement 138 new detailed grazing plans or Allotment Management Plans (AMPs), revision of 22 AMPs, continued operation of 26 existing AMPs, less intensive grazing management on 281 allotments where AMPs are not proposed, and continuation of unallotted status (not allotted to livestock grazing) on approximately 41,000 acres of public land.

Five other alternatives were considered in addition to the proposed action: Alternative B, Limited Action, or continuation of the present management program, including a 12 percent reduction in livestock use;

Alternative C, Improved Watershed Values and Wildlife Habitat, including a 41 percent reduction in livestock use; Alternative D, Accelerated Livestock Forage Development, including a 30 percent increase in Livestock Use; Alternative E, No Action, or continuation of the present livestock use; and Alternative F, Elimination of Livestock Grazing from Public Lands. The final grazing management plan selected will be implemented within a four-year period.

DATES: The Public Review Period will extend for 45 days from the date of this notice. The Department of the Interior invites written comments on the adequacy of the draft statement to be

submitted by May 16 to: District Manager, Bureau of Land Management, P.O. Box 308, Butte, Montana 59701.

Public meetings on the draft statement have been scheduled as follows:

April 14, 1980—7:00 p.m., BLM District Office, 106 N. Parkmont, Butte, Montana.

April 15, 1980—7:00 p.m., Elementary School, Sheridan, Montana.

April 16, 1980—7:00 p.m., St. Rose Center, Multi-purpose Room, Dillon, Montana.

April 17, 1980—7:00 p.m., Lima School, Multi-purpose Room, Lima, Montana.

FOR FURTHER INFORMATION CONTACT:

R. Gregg Berry, Project Manager, Butte District Office, P.O. Box 308, Butte, Montana 59701, or telephone (406) 723-6561, extension 2419.

A limited number of copies are available upon request at this address.

Public reading copies will be available for review at the following locations:

Office of Public Affairs, Bureau of Land Management, Interior Building, 18th and C Streets, NW, Washington, D.C. 20240. Telephone: (202) 343-5717.

Bureau of Land Management, Montana State Office, 222 North 32nd Street, Billings, Montana 59101.

Bureau of Land Management, Butte District Office, 106 N. Parkmont, Butte, Montana 59701.

Bureau of Land Management, Dillon Resource Area, Highway 41 North of Dillon, Dillon, Montana 59725.

University of Montana, Missoula, Montana 59801.

Butte-Silver Bow Public Library, Butte, Montana 59701.

Montana College of Mineral Science and Technology, Butte, Montana 59701.

Western Montana College, Dillon, Montana 59725.

College of Great Falls, Great Falls, Montana 59403.

Great Falls Public Library, Great Falls, Montana 59403.

Lewis and Clark Public Library, Helena, Montana 59601.

City-Country Library, Missoula, Montana 59801.

Montana State University, Bozeman, Montana 59715.

SUPPLEMENTAL INFORMATION: In the proposed action (Alternative A) the AMPs include provisions for construction of additional fences, livestock watering facilities, and vegetative treatments. An overall reduction in livestock use on public lands of 12 percent is projected. On an allotment basis, the changes in livestock use on public rangelands range from a 100 percent reduction to a 583 percent increase. However, no operator would realize either a reduction or increase in exceeding 15 percent of the grazing

requirements of his total ranch operation.

It is expected that the proposed program would increase the amount of rangeland in good to excellent condition by 74,000 acres and result in an overall 13 percent increase in available livestock forage by the year 2010.

This would amount to an additional 16,500 animal unit months (AUMs) and increase total ranch income within the study area by \$53,000 annually. Other benefits would be that (1) sediment yield caused by water runoff from the area would be reduced by an estimated 14 percent annually, (2) there would be an increase in desirable species of vegetation and in the vigor and reproductive capacity of desirable plants, and (3) wildlife habitat would be maintained or improved under the proposed action so that some increase in wildlife could be expected. However, some concentrations of livestock use would continue near water developments.

Dated: March 20, 1980.

Ed Hastey,

Associate Director.

[FR Doc. 80-9180 Filed 3-25-80; 8:45 am]

BILLING CODE 4310-84-M

Colorado; Craig District Advisory Board Meeting; Correction

In FR Doc. 80-3858, appearing at page 8363 in the *Federal Register* of February 7, 1980, in the last line in the first paragraph, the meeting date of April 3, 1980, is corrected to read April 23, 1980.

Dated: March 17, 1980.

Marvin W. Pearson,

District Manager.

[FR Doc. 80-9069 Filed 3-25-80; 8:45 am]

BILLING CODE 4310-84-M

Vale District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Vale District Advisory Board will be held on April 9, 1980.

The meeting will begin at 9:00 a.m. in the Conference Room of the Bureau of Land Management at 365 "A" Street West, Vale, Oregon 97918.

The agenda for the meeting will include: (1) Proposed expenditure of range betterment funds in fiscal year 1981 and (2) Discussions on the development of Allotment Management Plans, subject to the completion of the Ironside Environmental Impact Statement.

The meeting is open to the public. Interested persons may make oral statements to the board, or may file

written statements for the board's consideration. Anyone wishing to make oral statement must notify the District Manager, Bureau of Land Management, 365 "A" Street West, Vale, Oregon 97918, by April 8, 1980. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the board meeting will be maintained in the District Office and be available during regular business hours for public inspection and reproduction within 30 days following the meeting.

Fearl M. Parker,

District Manager.

February 20, 1980

[FR Doc. 80-9073 Filed 3-25-80; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Endangered Species Permit; Receipt of Application

Applicant: North Carolina Botanical Garden, Chapel Hill, N.C. 27514.

The applicant requests a permit to export six individual plants of *Sagittaria fasciculata* to J.L.S. Keesing of the Royal Botanic Gardens, Kew, Richmond, Surrey, England. These plants will be taken from a cultivated population maintained at the North Carolina Botanical Gardens, Chapel Hill, N.C.

Proper care during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-6386. Interested persons may comment on this application on or before April 25, 1980, by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: March 20, 1980.

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc. 80-9229 Filed 3-25-80; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

Applicant: National Zoological Park, Washington, D.C. 20008.

The applicant requests a permit to import one female Eld's deer (*Cervus*

eldi thamin) from Canada to Front Royal, Virginia for the purpose of minimizing inbreeding in their present stock of Eld's deer.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during the normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT-6401. Interested persons may comment on this application on or before April 25, 1980, by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: March 21, 1980.

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc. 80-9228 Filed 3-25-80; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Applications

The applicants listed below wish to be authorized to conduct the specified activity with the indicated Endangered Species:

Applicant: Hawaii Department of Lands and Natural Resources (PRT 2-727) Honolulu, Hawaii 96813.

The applicant requests a permit to capture, band mark, harass, and propagate Hawaiian crows or alala (*Corvus Tropicus*) on the Island of Hawaii for enhancement of propagation and survival and for scientific research. This study will be conducted in cooperation with the Fish and Wildlife Service.

Applicant: Alaska Area Director, U.S. Fish & Wildlife Service (PRT 2-4046) Anchorage, Alaska 99503.

The applicant requests a permit to capture peregrine falcons (*Falco peregrinus tundrius* and *F. p. anatum*) from Alaska to attach radio transmitters to for a radio-telemetry study. The study is for scientific research and enhancement of survival. Data gained will be valuable in Section 7 consultations involving oil development activities on the North Slope of Alaska.

Applicant: Dr. Shelia Conant, Department of General Science, University of Hawaii, (PRT 2-6377) Honolulu, Hawaii 96822.

The applicant requests a permit to take, capture, band, observe, and harass

individuals of the Nihoa millerbird (*Acrocephalus familiaris kingi*) and the Nihoa finch (*Telespyza ultima*) in their native habitat on the Island of Nihoa for enhancement of survival and scientific research. Birds will be captured with mist nets.

Applicant: Section of Wildlife Ecology on Public Lands, U.S. Fish & Wildlife Service (PRT 2-6362) Denver, Colorado 80225.

The applicant requests a permit to import from Mexico addled Peregrine falcon (*Falco peregrinus anatum*) eggs, egg parts, molted feathers, and peregrine falcons found dead as part of an ongoing study of the species in Baja, California, Mexico. The applicant also requests authorization to band live peregrine falcons in Mexico. The purpose of the proposed activities are for enhancement of survival and scientific research.

Humane care and treatment during transport, if applicable, has been indicated by the applicant.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish & Wildlife Service, WPO, Washington, D.C. 20240.

Interested persons may comment on these applications on or before April 25, 1980, by submitting written data, views, or arguments to the Director at the above address.

Dated: March 21, 1980.

Donald G. Donahoe,

Chief, Permit Branch, Federal Wildlife Permit Office, Fish & Wildlife Service.

[FR Doc. 80-9227 Filed 3-25-80; 8:45 am]

BILLING CODE 4310-55-M

Heritage Conservation and Recreation Service

Availability for the Missouri National Recreational River Management Plan and Cooperative Agreement

Section 707 of Pub. L. 95-625 designated a 59-mile segment of the Missouri River between Gavins Point Dam, South Dakota, and Ponca State Park, Nebraska, as a Recreational River Component of the National Wild and Scenic Rivers System. The section further called for development of a management plan and a cooperative agreement between the U.S. Department of the Interior and the U.S. Army Corps of Engineers.

Specifically, the management plan provides a conceptual management program for the administration of the

Missouri Recreational River. Additional advanced planning, however, will be required to implement the programs proposed in this document. As presented, the management plan provides for the construction of recreational river developments, and streambank stabilization structures along the river segment. The stabilization efforts are to protect agricultural lands, recreational areas and facilities, scenic values, wildlife habitat, and historical and cultural features. In addition, and in conjunction with the plan, the cooperative agreement was developed to manage, to protect, and to make available the rivers resources for public use. The plan will become effective 90 days from the date of this notice. Copies are available for review at: Heritage Conservation and Recreation Service, Mr. Derrell P. Thompson, Denver Federal Center, Post Office Box 25387, Denver, Colorado 80225.

Dated: March 20, 1980.

Paul C. Pritchard,
Deputy Director.

[FR Doc. 80-9098 Filed 3-25-80; 8:45 am]

BILLING CODE 4310-03-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier Temporary Authority Applications

The following are notices of filing of applications for temporary authority under Section 210(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the *Federal Register* publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the *Federal Register*. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D. C., and also in the ICC Field Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers Of Property

Notice No. 13

MC 21866 (Sub-138TA), filed December 6, 1979. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Alan Kahn, Esq., 1920 Two Penn Center Plaza, Philadelphia, PA 19102. *Food, food products, and restaurant supplies, and equipment*, from the facilities of Proficient Food Co., Inc. in Orlando, FL, and the facilities of Dolly Food Co., Inc. in Arlington, TX, to points in CT, DE, MA, MD, ME, NH, VT, NY, PA, and VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Proficient Food Co., Inc., 17872 Cartwright Rd., Irvine, CA. Send protests to: ICC, 101 N. 7 St., Philadelphia, PA 19106.

MC 21866 (Sub-139TA), filed January 22, 1980. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Alan Kahn, Esq., 1920 Two Penn Center Plaza, Philadelphia, PA 19102. *Paper and paper products* from the facilities of Wyomissing Corporation at Reading, PA to Salt Lake City, UT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wyomissing Corp., Reading, PA 19603. Send protests to: ICC, 101 N. 7 St., Philadelphia, PA 19106.

MC 26396 (Sub-346TA), filed January 18, 1980. Applicant: POPELKA TRUCKING CO. d.b.a. THE WAGGONERS, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 80208, Lincoln, NE 68501. (1) *Livestock handling equipment and feeders* from the facilities of Westguard Industries, Inc., at or near Cheyenne, WY to points in and west of LA, AR, MO, IL and WI; and (2) *Materials, equipment and supplies* used in the production and distribution of commodities named in (1) above from points in and west of LA, AR, MO, IL and WI to the facilities of Westguard Industries, Inc., at or near Cheyenne, WY, for 180 days. An underlying ETA

seeks 90 days authority. Supporting shipper(s): Westguard Industries, Inc., P.O. Box 2696, Cheyenne, WY 82001. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings MT 59101.

MC 42266 (Sub-3TA), Applicant: LANCASTER & NEW YORK MOTOR FREIGHT SERVICE, INC., R.D. No. 2, Box 208, Elizabethtown, PA 17022. Representative: James W. Hagar, Esq., McNees, Wallace & Nurick, P.O. Box 1166, (100 Pine Street), Harrisburg, PA 17108. Authority to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *cocoa beans, cocoa butter, cocoa press cake, chocolate liquor*, in blocks and in bags, and *cocoa crumb* in bags, from Philadelphia, PA and its commercial zone, to Elizabethtown, PA and its commercial zone, Camp Hill, PA and its commercial zone, and Mechanicsburg, PA and its commercial zone. (2) *confectionery* (except in bulk) in mechanically refrigerated equipment. (a) from Elizabethtown, PA to points in MD, NJ, VA, Philadelphia, PA and DC. (b) from Hackettstown, NJ to points in MD, NJ, PA, VA and DC. Restriction: Restricted to traffic originating at or destined to the facilities of M & M Mars, Inc. at Hackettstown, NJ, Elizabethtown, PA and its commercial zone, Camp Hill, PA and its commercial zone, and Mechanicsburg, PA and its commercial zone. Applicant has filed an underlying ETA, seeking up to 90 days of operating authority. Supporting shipper: M & M Mars, High Street, Hackettstown, NJ 07840. Send protests to: Interstate Commerce Commission, Federal Reserve Bank Building, 101 North Seventh Street, Room 620, Philadelphia, PA 19106.

MC 42487 (Sub-975TA), filed January 21, 1980. Applicant: CONSOLIDATED FREIGHTWAYS CORP. OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Common carrier; regular routes: *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment)*, serving Chatsworth, GA as an off-route point in connection with carrier's otherwise authorized regular route operations for 180 days. Applicant seeks to serve all points in the Chatsworth, GA Commercial Zone. Applicant intends to tack with its existing authority and any authority it may acquire in the future. Chatsworth, GA will be off-route to the following service route of Applicant: MC 42487

(Sub-744(A)), *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Cincinnati, OH and Columbus, GA, serving all intermediate points, the off-route point of Rossville, GA, those within ten (10) miles of Chattanooga, TN, and those within fifteen (15) miles of Atlanta, GA, and all points in the Cincinnati, OH, Commercial Zone as defined by the Commission: From Cincinnati over U.S. Hwy 25 to Corbin, KY, thence over U.S. Hwy 25-W to Knoxville, TN, thence over U.S. Hwy 11 via Cleveland, TN, to Chattanooga, TN, thence over U.S. Hwy 41 via Dalton, GA, to Macon, GA, thence over U.S. Hwy 80 to Columbus (also from Cleveland over TN Hwy 60 to the TN-GA State line, thence over GA Hwy 71 to Dalton), and return over the same route. Supporting shipper(s): There were 22 shipper support statements filed with this application which may be inspected at the offices of the Interstate Commerce Commission, Washington, DC or at the District Office named below. Send protests to: D/S Neil C. Foster, Suite 500, 211 Main Street, San Francisco, CA 94105.

MC 42487 (Sub-977TA), filed January 21, 1980. Applicant: CONSOLIDATED FREIGHTWAYS CORP. OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: E. T. Liipfert, Suite 1000, 1660 L St., NW, Washington, DC 20036. Common carrier; regular routes: *General commodities (except those of unusual value), Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment*. Between Houston, TX and New Orleans, LA, serving the intermediate points of Beaumont and Orange, TX, and points in the Beaumont and Orange Commercial Zones: From Houston over U.S. Hwy 90 to Iowa, LA, then over U.S. Hwy 165 to Kinder, LA, then over U.S. Hwy 190 to Baton Rouge, LA, and then over U.S. Hwy 61 to New Orleans and return over the same route, for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to tack with its existing authority. There is no support offered by a shipper. Send protests to: Mr. Neil C. Foster, Suite 500, 211 Main Street, San Francisco, CA 94105.

MC 51146 (Sub-826TA), filed December 13, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, P.O. Box 2298, Green Bay, WI 54306. (1)

Appliances from West Bend, WI to Trenton, NJ; and (2) *equipment, materials, and supplies used in the manufacture and distribution of appliances* from Muskogee, OK; Ozark, MO; Johnson City, TN; Lancaster, OH; Benton Harbor, MI; Newton Falls and Bowling Green, OH; and Vineland and Trenton, NJ to West Bend, WI, for 180 days. (Corresponding ETA seeks 90 days authority.) Supporting shipper(s): The West Bend Company, West Bend, WI 53095. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 51146 (Sub-827TA), filed January 7, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (address same as applicant). (1) *Carpet and room fresheners, pet fresheners, and solid block deodorants* from Houston, TX to Montgomery, AL; and (2) *equipment, materials and supplies used in the manufacture and distribution of the commodities named in (1) above* from Delaware City, DE; Natrium, WV; and Philadelphia, PA to Houston, TX for 180 days. (Corresponding ETA seeks 90 days authority.) Supporting shipper(s): Presto Products, Inc., P.O. Box 2399, Appleton, WI 54913. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 59557 (Sub-18TA), filed November 28, 1979. Applicant: AUCLAIR TRANSPORTATION, INC., 333 March Ave., Manchester, NH 03108. Representative: Elliott Bunce, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209. *General commodities, except those of unusual value and except dangerous explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Commercial Zones of Atlanta, GA; Chicago, IL; Dallas, TX; Ft. Worth, TX; Houston, TX; Jacksonville, FL; Los Angeles, CA; Miami, FL; Oakland, CA; Orlando, FL; St. Petersburg, FL; San Francisco, CA; and Tampa, FL*, for 180 days. Supporting shipper(s): There are 68 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Ross J. Seymour, DS, ICC, Rm. 3, 6 Loudon Rd., Concord, NH 03301.

MC 59856 (Sub-86TA), filed January 30, 1980. Applicant: SALT CREEK FREIGHTWAYS, P.O. Box 39, Casper, WY 82602. Representative: John R. Davidson, Davidson, Veeder, Baugh, Broeder & Poppler, P.C., Suite 805 Midland Bank Building, Billings, MT 59101. *Common carrier; regular route;*

Transporting *General commodities*, except those of unusual value, Classes A & B Explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Casper, WY and Minneapolis-St. Paul, MN and their respective commercial zones, for 180 days. An underlying ETA seeks 90 days authority. From Casper over combined Interstate Hwy 25 and U.S. Hwy 87 to their junction with WY Hwy 387, then over WY Hwy 387 to its junction with WY Hwy 59, then over WY Hwy 59 to its junction with Interstate Hwy 90 at or near Gillette, WY, then over Interstate Hwy 90 to its junction with Interstate Hwy 35, then over Interstate Hwy 35 to its intersection into Interstate Hwy 35 W and 35 E., then over Interstate Hwy W to Minneapolis and Interstate Hwy 35 E. to St. Paul, and return over the same route, serving the intermediate points of Gillette, WY and Rapid City, SD.

Supporting shipper(s): There are 176 shippers. Their statements may be examined at the office listed below or at Headquarters Office. Send protests to: District Supervisor Paul A. Naughton, Interstate Commerce Commission Rm. 105 Federal Bldg and Crt. House, 111 South Wolcott, Casper, WY 82601.

Note.—Applicant requests waiver of restrictions against tacking, interline and service to commercial zones.

MC 60186 (Sub-66TA), filed December 31, 1979. Applicant: NELSON FREIGHTWAYS, INC., 47 East Street, Rockville, CT 06066. Representative: Clifford J. O. Nelson (same address as applicant). *Common carrier; irregular routes*; foodstuffs (except frozen and in bulk) and materials, equipment and supplies used in the manufacturing, packaging and distribution of foodstuffs, between the facilities of William Underwood, located at or near Portland, ME, on the one hand, and, the facilities of William Underwood at or near Hannibal, MO, on the other; and from the facilities of William Underwood located at or near Hannibal, MO, to points in NY, NJ, PA and MD, for 180 days. Supporting shipper(s): William Underwood Company, One Red Devil Lane, Westwood, MA 02090. Send protests to: J. D. Perry, Jr., District Supervisory, Interstate Commerce Commission, 135 High Street, Hartford, CT 06103.

MC 71296 (Sub-8TA), filed November 13, 1979. Applicant: FORT TRANSPORTATION AND SERVICE CO., INC., 1600 Janesville Ave., Ft. Atkinson, WI 53538. Representative: Wayne Wilson, 150 E. Gilman St., Madison, WI 53703. *Common carrier; Regular routes; General commodities*,

except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, General commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment. (1) Between Fort Atkinson, WI and Beloit, WI serving all intermediate points. From Fort Atkinson, WI over W.S. Hwy. 26 to its junction with U.S. Hwy. 51 at or near Janesville, WI; then over U.S. Hwy. 51 to Beloit, WI and return over the same route. (2) Between Fort Atkinson, WI and Madison, WI serving all intermediate points. From Fort Atkinson, WI over U.S. Hwy. 12-18 to Madison, WI and return over the same route. (3) Between Beloit, WI and Madison, WI serving all intermediate points. From Beloit, WI over U.S. Hwy. 51 to Madison, WI and return over the same route. (4) Between Fort Atkinson, WI and Beaver Dam, WI serving all intermediate points. From Fort Atkinson, WI over W.S. Hwy. 26 to its junction with W.S. Hwy. 33 at or near Minnesota Junction, WI, then over W.S. Hwy. 33 to Beaver Dam, WI and return over the same route. (5) Between Madison, WI and Beaver Dam, WI serving all intermediate points. From Madison, WI over U.S. Hwy. 151 to Beaver Dam, WI and return over the same route. (6) Between Beloit, WI and Milwaukee, WI serving all intermediate points. From Beloit, WI over W.S. Hwy. 15 to Milwaukee, WI and return over the same route. (7) Between Watertown, WI and Milwaukee, WI serving all intermediate points. From Watertown, WI over U.S. Hwy. 16 to its intersection with I-94 at or near Pewaukee, WI, then over I-94 to Milwaukee, WI and return over the same route. (8) Between Fort Atkinson, WI and Whitewater, WI serving all intermediate points. From Fort Atkinson, WI over U.S. Hwy. 12 to Whitewater, WI and return over the same route. (9) Between Whitewater, WI and Milwaukee, WI serving all intermediate points. From Whitewater, WI over U.S. Hwy. 59 to its intersection with U.S. Hwy. 18 at or near Waukesha, WI, then over U.S. Hwy. 18 to Milwaukee, WI and return over the same route. (10) Between Jefferson, WI and Columbus, WI serving all intermediate points. From Jefferson, WI over W.S. Hwy. 89 to Columbus, WI and return over the same route. (11) Between the junction of U.S. Hwy. 151 and W.S. Hwy. 19 at or near Token Creek, WI and Watertown, WI, serving all intermediate points. From the junction of U.S. Hwy.

151 and W.S. Hwy. 19 at or near Token Creek, WI, then over W.S. Hwy. 19 to Watertown, WI and return over the same route. Supporting shipper(s): There are 27 statements in support attached to this application which may be examined at the Field Office in Milwaukee, WI. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 75406 (Sub-48TA). Applicant: SUPERIOR FORWARDING COMPANY, INC., 2600 South Fourth Street, St. Louis, Missouri 63118. Representative: Joseph E. Rebman, 314 North Broadway, Suite 1330, St. Louis, Missouri 63102. *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those commodities requiring special equipment), (1) between jct. U.S. Highways 67/167 and U.S. Highway 64, on the one hand, and, on the other, Conway, AR and points in its commercial zone, over U.S. Highway 64 serving no intermediate points; and (2) between North Little Rock, AR, and Conway, AR, and its commercial zone, over U.S. Highway 65 and Interstate Highway 40, serving all intermediate points for 180 days. Note: Applicant proposes to tack the authority in routes 1 and 2 with its existing authority and to interline with other carriers. There are 25 supporting shippers whose Certificates of Support can be viewed at the Field Office in St. Louis, MO. Send Protests to: Peter E. Binder, District Supervisor, Interstate Commerce Commission, 210 North 12th Street, St. Louis, Missouri 63101.

MC 89617 (Sub-22TA), filed December 13, 1979. Applicant: LEWIS TRUCK LINES, INC., P.O. Box 1494, Conway, SC 29526. Representative: Herbert Alan Dubin, Sullivan & Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. *Wood particle board or hardboard* from the facilities of Celotex Corp. at or near Marion, SC to points in AL, GA, N, TN, VA and WV, for 180 days. Supporting shipper(s): Jim Walter Corporation, P.O. Box 22601, Tampa, FL 33622. Send protests to: E. E. Strotheid, D/S, ICC, 866 Strom Thurmond Fed. Bldg., 1835 Assembly St., Columbia, SC 29201.

MC 93147 (Sub-17TA), filed January 21, 1980. Applicant: DELTA TRANSPORT CORPORATION, 844 Union Street, P.O. Box 546, West Springfield, Massachusetts 01089. Representative: James M. Burns, 1383 Main Street, Springfield, MA 01103. *Such commodities as are manufactured, processed or dealt in by manufacturers of glass and glass products*, between the facilities of Anchor Hocking Corporation

and its subsidiaries located in IL, IN, OH, PA, WV, MN, TX, CA, NJ, MD and FL, and points in the contiguous 48 states, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Anchor Hocking Corporation, Consumer Industrial Division, 109 North Broad Street, Lancaster, OH 43130. Send protests to: David M. Miller, DS, ICC, 436 Dwight Street, Springfield, MA 01103.

MC 96607 (Sub-21TA), filed November 2, 1979. Applicant: RUCKER BROTHERS TRUCKING, INC., 1820 Stewart Street East, Tacoma, WA 98421. Representative: Michael D. Duppenhaller, 211 South Washington Street, Seattle, WA 98104. *Utility manholes, vaults and median barriers*, between Auburn, WA and Wilsonville, OR on the one hand, and, on the other, points in ID, MT, OR and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Utility Vault Company, P.O. Box 588, Auburn, WA 98002. Send Protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 98327 (Sub-40TA), filed January 18, 1980. Applicant: SYSTEM 99, 8201 Edgewater Drive, Oakland, CA 94621. Representative: Ray V. Mitchell, (415) 632-4700 (same address as applicant). *Common carrier*, regular routes: general commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Roswell, NM and Ft. Worth, TX, serving no intermediate points, and serving the commercial zones of Roswell and Ft. Worth (from Roswell over US Hwy 380 to junction US Hwy 84, then over US Hwy 84 to junction Interstate Hwy 20, then over Interstate Hwy 20 to Ft. Worth, and return over same route), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): No supporting shipper. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 107107 (Sub-483TA), filed February 1, 1980. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 N.W. 42nd Ave., Opa Locka, FL 33054. Representative: Sidney Alterman (same address as applicant). *Common Carrier—Regular Route: General commodities*, except those of unusual value, Class A & B explosives, household goods as defined by the commission, commodities in bulk and those requiring special equipment, between points in FL (1) from Jacksonville, FL over U.S. Hwy 1 to Key West and return over same route (2)

from Miami over Interstate Hwy 95 to Jacksonville and return over same route (3) from Miami over U.S. Hwy 27 to Tallahassee and return over the same route (4) from Miami over U.S. Hwy 41 to Brooksville and return over same route (5) from Miami over FL Turnpike to Junction I-75 at or near Wildwood and return over same route (6) from West Palm Beach over U.S. Hwy 98 to Perry and return over same route (7) from Tampa, FL over I-4 to Daytona Beach and return over same route (8) from Tampa over I-75 to Junction I-10 near Lake City and return over same route, (9) from Ocala over U.S. Hwy 301 to Jacksonville and return over same route (10) from Jacksonville over I-10 and/or U.S. Hwy. 90 to Pensacola and return over same route (11) from Orlando Over U.S. Hwy 17 to Punta Gorda and return over same route, serving all intermediate points on routes 1 through 11 and all other points in FL as off-route points for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are twelve supporting shippers. Their statements may be examined at the office listed below and headquarters. Send protests to: Donna M. Jones, T/A, ICC-BOP, Monterey Bldg., Suite 101, 8410 N.W. 53rd Ter., Miami, FL 33166.

MC 107576 (Sub-29TA), filed November 9, 1979. Applicant: SILVER WHEEL FREIGHTLINES, INC., 1321 S.E. Water Avenue, Portland, OR 97214. Representative: Ben D. Browning or Ronald D. Browning, 1321 S.E. Water Avenue, Portland, OR 97214. *General commodities* (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk in tank vehicles, and those requiring special equipment), over regular routes (1) between Goldendale, WA and Ellensburg, WA serving all intermediate points and off-route points located in Kittitas, Klickitat and Yakima Counties, WA, from Goldendale via U.S. Hwy 97 to Ellensburg and return over the same route; and (2) between Kennewick, WA and Ellensburg, WA, serving all intermediate points and off-route points located in Benton, Kittitas and Yakima Counties, WA, from Kennewick via U.S. Hwy 12 to Junction U.S. Hwy 97 then U.S. Hwy 97 to Ellensburg and return over the same route. Also requested is authority to tack, interline and serve the commercial zones of the above-named points. Supporting shipper(s): There are 48 statements of support. Send protests to: A. E. Odoms, DS, ICC, 114 Pioneer Courthouse, 555 S.W. Yamhill St., Portland, OR 97204.

MC 108207 (Sub-543TA), filed November 26, 1979. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz St. (Mailing: P.O. Box 225888), Dallas, TX 75265. Representative: M. W. Smith (address same as applicant). *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in Sections A & C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, and foodstuffs from points in TX and Memphis, TN to points in CO on and east of Continental Divide for 180 days. Underlying ETA for 90 days filed. Supporting shipper(s): There are eight (8) supporting shippers. Send protests to: Opal M. Jones, TCS, ICC, 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 114457 (Sub-561TA), filed January 5, 1980. Applicant: DART TRANSIT CO., 2102 University Ave., St. Paul, MN 55114. Representative: James H. Wills, 2102 University Ave., St. Paul, MN 55114. *Sugar, in packages* from St. Paul, MN to Royce, NJ for 180 days. (Corresponding ETA seeks 90 days authority.) Supporting shipper(s): Have A Portion, Inc., 2624 N. Cleveland Ave., Roseville, MN 55113. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 114457 (Sub-562F), filed December 26, 1979. Applicant: DART TRANSIT CO., 2102 University Ave., St. Paul, MN 55114. Representative: James H. Wills (address same as applicant). *General commodities* (except in bulk, those requiring special equipment, and *Classes A & B explosives*) from Tamarac, FL to Chicago, IL; Clifton, NJ; Los Angeles, CA; and Dallas, TX, for 180 days. Supporting shipper(s): Visual Graphics Corp., 5701 N.W. 94th Ave., Tamarac, FL 33321. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 114896 (Sub-83TA), filed January 8, 1980. Applicant: PUROLATOR ARMORED INC., 255 Old New Brunswick Road, Piscataway, NJ 08854. Representative: Carl T. Kessler, 255 Old New Brunswick Road, Piscataway, NJ 08854. *Contract carrier*, over irregular routes, *New currency* (1) From Washington, D.C. to Atlanta, GA; Baltimore, MD; Birmingham, AL; Boston, MA; Buffalo and New York, NY; Charlotte, NC; Chicago, IL; Cincinnati and Cleveland, OH; Culpeper and Richmond, VA; Dallas, El Paso, Houston, and San Antonio, TX; Denver, CO; Detroit, MI; Helena, MT; Jacksonville and Miami, FL; Kansas City and St. Louis, MO; Little Rock, AR;

Louisville, KY; Memphis and Nashville, TN; Los Angeles and San Francisco, CA; Minneapolis, MN; New Orleans, LA; Oklahoma City, OK; Omaha, NE; Philadelphia and Pittsburgh, PA; Portland, OR; Salt Lake City, UT and Seattle, WA., and (2) From Culpeper, VA to Atlanta, GA; Baltimore, MD; Birmingham, AL; Boston, MA; Buffalo and New York, NY; Charlotte, NC; Chicago, IL; Cincinnati and Cleveland, OH; Dallas, El Paso, Houston and San Antonio, TX; Denver, CO; Detroit, MI; Helena, MT; Jacksonville and Miami, FL; Kansas City and St. Louis, MO; Little Rock, AR; Louisville, KY; Memphis and Nashville, TN; Los Angeles and San Francisco, CA; Minneapolis, MN; New Orleans, LA; Oklahoma City, OK; Omaha, NE; Philadelphia and Pittsburgh, PA; Portland, OR; Richmond, VA; Salt Lake City, UT; Seattle, WA and Washington, D.C. An underlying ETA seeks 90 days authority. Supporting shipper(s): Board of Governors of the Federal Reserve System, 20th & Constitution Avenue NW., Washington, D.C. 20551. Send protests to: Irwin Rosen, TS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 115826 (Sub-576TA), filed January 30, 1980. Applicant: W. J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative: Howard Gore (same address as above). *Foodstuff, pet food and ingredients used in the manufacture of pet foods* (except commodities in tank vehicles) between the facilities of McK Limited at or near Loveland, CO and points in the United States (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): McK Limited, 7311 East U.S. Highway 34, Loveland, CO 80537. Send protests to: H. Ruoff, 492 U.S. Customs House, Denver, CO 80202.

MC 117786 (Sub-91TA), filed January 14, 1980. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: Baldo J. Lutich, 1441 E. Thomas Rd., Phoenix, AZ 85014. *Fabric reinforced rubber hose and rubber products*, from the plantsite of the H. K. Porter Co., Inc. in Bellefontaine, OH to points in CA, for 180 days. Supporting shipper: H. K. Porter Co., Inc., Thermoid Division, Bellefontaine Works, Bellefontaine, OH 43311. Send Protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 117786 (Sub-92TA), filed January 18, 1980. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: Baldo J. Lutich, 1441 E. Thomas Rd., Phoenix, AZ 85014. *Such merchandise as is dealt in by mail order*

houses, from the warehouses of Ambassador International, a division of Amba Marketing Systems, Inc., in Philadelphia, PA to warehouses of Ambassador International, a division of Amba Marketing Systems, Inc., in Phoenix, AZ, for 180 days. Supporting shipper: Amba Marketing Systems, Inc. and divisions thereof, 711 W. Broadway, Tempe, AZ 85282. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 117786 (Sub-93TA), filed January 28, 1980. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. *Alcoholic beverages, in temperature controlled equipment*, from New York City, NY, Jersey City and Dayton, NJ to points in AZ, CA and NV, for 180 days. Supporting shipper: Carillon Importers, 1290 Ave. of Americas, New York City, NY 10019. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 117786 (Sub-94TA), filed February 1, 1980. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. *Such merchandise as is dealt in and distributed by retail department stores* (except commodities in bulk), between Cincinnati, OH on the one hand and on the other, points in OH, KY, IN, WV, MI and IL, for 180 days. Supporting shipper: Van Leunens, 621 Wilmer Ave., Cincinnati, OH 45226. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 121457 (Sub-3TA), filed January 31, 1980. Applicant: MERCURY TRANSPORTATION, INC., P.O. Box 844, Crosby, TX 77532. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701. (1) *Oilfield equipment and supplies* and (2) *pipe* between Houston, TX on the one hand, and on the other points in LA, MS, NM, OK, and WY for 180 days. Underlying ETA filed. Supporting shipper(s): There are 11 supporting shippers. Send protests to: Opal M. Jones, TCS, ICC, 411 West 7th St. Suite 600 Fort Worth, TX 76102.

MC 125996 (Sub-92TA), filed January 10, 1980. Applicant: GOLDEN TRANSPORTATION, INC., 2200 S. 400 West, Salt Lake City, UT 84115. Representative: William J. Lawson, P.O. Box 9248, Fresno, CA 93791. *Snack Foods*, from Fresno, CA to ID, OR, NV, and WA, for 180 days. Supporting shipper(s): Tom's Foods, P.O. Box 12144,

Fresno, CA 93776. Send protests to: Patricia Allgier, ICC., 5301 Fed Bldg., 125 S. State St., Salt Lake City, UT 84138.

MC 129387 (Sub-112TA), filed January 10, 1980. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Charles E. Dye, P.O. Box 1271, Huron, SD 57350. *Meat, meat products and meat by products and articles distributed by meat packinghouses*, as described in Section A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk and hides) from Huron, SD and its Commercial Zone to Louisville, KY and its Commercial Zone. Restricted to the facilities of Armour & Co. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Armour Food Co., Huron, SD. Send protests to: Transportation Assistant, ICC, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 133566 (Sub-155TA), filed November 15, 1979. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, IN 46947. Representative: Thomas J. Beener, One State Street Plaza, New York, NY 10004. *Foodstuffs, (except in bulk)* from St. Elmo, IL to points in OH, MI, CO and MN for 180 days. Supporting shipper: Stella D'oro Biscuit Co., Inc., 184 West 237 Street, Bronx, NY 10463. Send protests to: ICC, 219 S. Dearborn St., Room 1386, Chicago, IL 60604.

MC 134286 (Sub-163TA), filed December 28, 1979. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Julie Humbert (same address as applicant) (1) *Adhesives, sealants, solvents, stains and wood preservatives* and (2) *Material, equipment and supplies used in the installation, maintenance and distribution of floors and floor coverings and walls and wall coverings in vehicles equipped with mechanical refrigeration* (except commodities in bulk) between the facilities of Roberts Consolidated Industries, Inc. at or near Dayton, OH; Kalamazoo, MI; and Los Angeles County, CA, on the one hand, and, on the other, WA, OR, CA, ID, NV, MT, WY, UT, AZ, ND, SD, OK, TX, AR, LA, WI, IL, MI, IN, OH, PA, KY, TN, MS, AL, FL, ME, NH, VT, MA, RI, CT, DE, VA, WV, NC, NM, SC and D.C. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Roberts Consolidated Industries, Inc., Tom Paterson, Traffic Manager, 600 N. Baldwin Park Blvd., City of Industry, CA 91749. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 134637 (Sub-3TA), filed September 26, 1979. Applicant: SILICA TRANSPORT, INC., Highway 69 East, Melbourne, Arkansas 72556. Representative: Louis Tarlowski, 401 Union Life Building, Little Rock, Arkansas 72203. *Granulated boiler slag, bulk, in pneumatic tank trailers and in bags* from Memphis, TN to points in AL, AR, GA, IL, IN, KY, LA, MS, MO, NC, OK, SC and TX for 180 days. Underlying ETA sought corresponding authority for 90 days. Supporting shipper(s): H. B. Reed & Company, Inc., 8149 Kennedy Avenue, Highland, IN 46322. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 136246 (Sub-40TA), filed January 25, 1980. Applicant: GEORGE BROS., INC., P.O. Box 492, Sutton, NE 68979. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. *Pneumatic conveyor equipment, parts and accessories and such commodities as are used in the manufacture and production of the aforementioned commodities between the facilities of Cyclonaire Corp. at Henderson, NE and points in the U.S. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Cyclonaire Corp., Jerry L. Elfring, Administrative Manager, 1210 Oak Street, Henderson, NE 68371. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.*

MC 136366 (Sub-4TA), filed January 14, 1980. Applicant: BEE LINE, INC., 17 Commerce Road, Fairfield, NJ 07006. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Railway Car, Locomotive and Automotive Equipment, and materials, equipment, and supplies used in the manufacture and sale of Railway Car, Locomotive and Automotive Equipment (except commodities in bulk)*, Between Totowa and Parsippany, NJ on the one hand, and, on the other, points in the US (except AK and HI). Supporting shipper(s): Ellcon-National, Inc., 30 King Road, Totowa, NJ 07512. Send protests to: Irwin Rosen, TS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 136786 (Sub-199TA), filed January 18, 1980. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd St., Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., Suite 411, 7400 Metro Blvd., Edina, MN 55435. *Such merchandise as is dealt in by retail general merchandise stores (except commodities in bulk) between points in the U.S. (except AK and HI), for 180 days, restricted to traffic originating at or destined to the facilities of Best Products Company, Inc.*

Supporting shipper(s): Best Products Company, Inc., P.O. Box 26303, Richmond, VA 23260. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 136786 (Sub-200TA), filed January 11, 1980. Applicant: ROBCO TRANSPORTATION, INC., P.O. Box 10375, Des Moines, IA 50309. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309. *Frozen bagels (except commodities in bulk) from the facilities of Lender's Bagel Bakery, Inc. at or near Buffalo, NY, to points in and west of MI, OH, VA, WV, NC, SC, GA, and FL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lender's Bagel Bakery, Inc., 75 Empire Drive, Buffalo, NY 14224. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.*

MC 136786 (Sub-201TA), filed December 17, 1979. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd St., Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., Suite 411, 7400 Metro Blvd., Edina, MN 55435. *Foodstuffs and materials and supplies used in the manufacture, distribution, and sale of foodstuffs (except commodities in bulk) from Portland and Milwaukee, OR, and Aberdeen and Markham, WA, to points in AZ, CA, CO, ID, MT, NV, OR, and UT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ocean Spray Cranberries, Inc., Star Route, Box 195, Aberdeen, WA 98520. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.*

MC 136786 (Sub-202TA), filed January 24, 1980. Applicant: ROBCO TRANSPORTATION, INC., P.O. Box 10375, Des Moines, IA 50306. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. (1) *such commodities as are dealt in by wholesale, retail, chain grocery and food business houses and feed businesses; soy products; paste; flour products; dairy products and (2) materials, ingredients, and supplies used in the manufacture, distribution, and sale of products in (1) above (except commodities in bulk) between the facilities of Ralston Purina Company at or near Oklahoma City, OK, on the one hand, and, on the other, points in AR, LA, NM, TN, and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ralston Purina Company, 13700 N. Lincoln Blvd., Edmond, OK 73034. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.*

MC 136786 (Sub-203TA), filed January 24, 1980. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd St., Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., Suite 411, 7400 Metro Blvd., Edina, MN 55435. *Frozen foodstuffs from Martinsburg, WV, and Bedford, VA, to Chicago, IL; Kansas City, KS; Jefferson, LA; Detroit and Romulus, MI; Minneapolis and St. Paul, MN; Kansas City, MO; Cleveland, Solon, and Tallmadge, OH; Bellmawr, NJ; Westbury, NY; Devault, Philadelphia, and Claysburg, PA; and Milwaukee, WI, and points in each of the above-named commercial zones, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Golden West Foods, Inc., P.O. Box 1088, Gilroy, CA 95020. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.*

MC 136786 (Sub-204TA), filed January 25, 1980. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd St., Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., Suite 411, 7400 Metro Blvd., Edina, MN 55435. *Meat, meat products, meat byproducts, dairy products, articles distributed by meat packinghouses, and commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers, as described in Sections A, B, C, and D of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) between the facilities of Lauridsen Foods, Inc. at or near Britt, IA, and the facilities of Armour and Company at Mason City, IA, on the one hand, and, on the other, points in and east of ND, SD, NE, KS, OK, AR, and LA, for 180 days, restricted to the transportation of traffic originating at and/or destined to the facilities of Lauridsen Foods, Inc. and/or Armour and Company. An underlying ETA seeks 90 days authority. Supporting shipper(s): Armour and Company, Greyhound Tower, Phoenix, AZ 85077. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.*

MC 138796 (Sub-2TA), filed January 3, 1980. Applicant: NELSON, INC., Box 38, Deerwood, MN 56444. Representative: Hubert Nelson, Box 38, Deerwood, MN 56444. *Contract carrier: irregular routes: Wood crating, pallets, and rough lumber from Aitkin, MN to or between Port Washington, WI; Madison area, WI; Racine, WI; Galesburg, IL; Moline, IL; Marion, IL; Chicago area, IL; Newton, IA; Des Moines, IA; Amana, IA; Webster City, IA; Marshalltown, IA; Grand*

Rapids, MI; Greenville, MI; Lincoln, NE; IN (all points) and Fargo, ND for 180 days. Supporting shipper(s): Burns Mfg. Co., P.O. Box 10, Aitkin, MN 56431. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 139276 (Sub-9TA), filed August 24, 1979. Applicant: ALOHA FREIGHTWAYS, INC., 1069 Bryn Mawr Ave., Bensenville, IL 60106. Representative: Grace Kasallis (Same address as applicant). *Contract carrier*: irregular routes: *Iron and steel products*, between the facilities of Joseph T. Ryerson & Son, Inc. at Elk Grove Village and Chicago, IL and destinations in MI on and south of U.S. 96, Muskegon to Lansing, U.S. 69 to Flint and U.S. 75 to Detroit, such as Grand Rapids, Battle Creek, Jackson, Lansing, Flint, Kalamazoo, and Detroit and destinations in IN such as Angola, Indianapolis, Terre Haute, South Bend, Logansport, Ft. Wayne, Berne, Elkhart, Andrews, New Albany, Seymour, Evansville, Bedford and Bloomington for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Joseph T. Ryerson & Son, Inc., 2621 West 15th Place, Chicago, IL 60608. Send protests to: Cheryl Livingston, TA, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 139917 (Sub-13TA), filed November 16, 1979. Applicant: SEARAIL, INC., 701 South Royal Street, Mobile, AL 36601. Representative: George M. Boles, 727 Frank M. Nelson Building, Birmingham, AL 35203. General commodities (except commodities in bulk, classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment). *Description of area to be served*: Between Pensacola, FL and New Orleans, LA: (1) From Pensacola over U.S. Hwy. 90 and/or Interstate Hwy. 10 to New Orleans and return over the same route. (2) From Pensacola over U.S. Hwy. 29 to junction thereof with U.S. Hwy. 31 at or near Flomaton, AL, and over U.S. Hwy. 31 to junction thereof with U.S. Hwy. 90 and Interstate Hwy. 10 at or near Spanish Fort, AL then over U.S. Hwy. 90 and/or Interstate 10 to New Orleans and return over the same route. Applicant intends to interline with other carriers at Pensacola, FL, Pascagoula, Gulfport, MS, Mobile, AL, and New Orleans, LA. Applicant intends to tack at Mobile and Flomaton, AL, with its other authority. Supporting shipper(s): There are 48 supporting shipper approx. all of which can be examined at the Washington, DC office or the office list below. Send protests to: Mabel E. Holston, T/A, ICC,

Room 1616, 2121 Building, Birmingham, AL 35203.

MC 140086 (Sub-7TA), filed December 31, 1979. Applicant: DELARIA TRANSPORT, INC., 327 8th Avenue, N.W., New Brighton, MN 55112. Representative: James M. Christenson, 4444 IDS Center, 80 South 8th St., Minneapolis, MN 55402. *Lard and animal fats in bulk and tank vehicles* (1) from Huron, SD to IA, MN and WI and (2) from Worthington, MN to IA and SD. Representative destinations are Sioux City, Mason City and Dubuque, IA; St. Paul, Minneapolis, Sleepy Eye and Albert Lea, MN; Cudahy and Madison, WI; Sioux Falls, SD, for 180 days. Supporting shipper(s): Armour Fresh Meat Co., 111 W. Clarendon, Greyhound Tower, Phoenix, AZ 85077. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 140186 (Sub-32TA), filed May 2, 1979. Applicant: TIGER TRANSPORTATION, INC., P.O. Box 2248, Missoula, MT 59801. Representative: Joel E. Guthals, P.O. Box 2533, Billings, MT 59103. *Building materials, and parts, accessories and supplies* used in the installation, and construction of buildings, or building materials; *tanks*, iron or steel, metal plate and/or sheet, kd., From Kansas City, MO, Kansas City, KS and Galesburg, IL to points in CA, CO, ID, MN, MT, ND, OR, SD, WA, WY, and UT, for 180 days, there is an underlying ETA seeking 90 days authority. Supporting shipper: Butler Mfg. Co., 7400 E. 13th St., Kansas City, MO 64126. Send protests to: Paul J. LaBane, Rm. 222, 2602 First Ave., Billings, MT 59101.

MC 142686 (Sub-34TA), filed January 22, 1980. Applicant: MID-WESTERN TRANSPORT, INC., 10506 South Shoemaker Avenue, Santa Fe Springs, CA 90670. Representative: Joseph Fazio (same address). *Contract*: irregular; *plasticizers, paint lacquer, varnish, gum, resin, or plastic; solvents, paint, lacquer, varnish, gum, resin, plastic, rubber, or adhesive; compounds, paint, lacquer, varnish, gum, resin, plastic, or adhesive increasing, reducing, removing, thickening, or thinning*, above commodities to be transported from the facilities of the Chemical Products Division of Cargill at or near Lynwood, California to Chicago, IL, Carpentersville, IL and Forest Park, GA, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Chemical Product Division-Cargill, Distribution Manager, 2801 Lynwood Road, Lynwood, CA 90262. Send protests to: Irene Carlos, TA, ICC, Room 1321, Federal Building,

300 North Los Angeles Street, Los Angeles, CA 90012.

MC 143127 (Sub-67TA), filed January 29, 1980. Applicant: K. J. TRANSPORTATION, INC., 6070 Collett Rd., Victor, NY 14564. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. *Foodstuffs, except in bulk*, from the facilities of Bay Central Freezer Center, at Milford, DE, Brookside Distribution Center, at Brookside, DE, Delaware Freezer Center, at Newark, DE, Louisville Freezer Center, at Louisville, KY, and Louisville Distribution Center, at Louisville, KY, to points in the United States, in and east of MN, IA, MO, AR, and LA. Restricted to the transportation of traffic originating at said facilities and destined to said points, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Omniway, 2000 South Ninth Street, Louisville, KY 40208. Send protests to: Anne C. Siler, TA, ICC, 910 Federal Bldg., 111 West Huron Street, Buffalo, NY 14202.

MC 143666 (Sub-1TA), filed January 24, 1980. Applicant: B Z ENTERPRISES, INC., 6951 Hannegan Road, Lynden, WA 98264. Representative: Bob Sweegman (same address as above). *Clay brick*, between points on the International Border between the U.S. and Canada at or near Sumas, WA and points in CO and WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Clayburn, Inc., No. 507, 10655 N.E. 4th, Bellevue, WA 98004. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 147286 (Sub-4TA), Applicant: A & L TRUCKING, INC., P.O. Box 103, Rocky Face, GA 20740. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, N.W., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *carpets and materials and supplies used in the sale thereof* from the facilities of Carpet Crafts, Inc., Indian Springs Carpet Mills and Grass More, Inc. located at or near Chatsworth, GA to points in CA and in and east of NM, CO, NE, SD, and ND (except GA) for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days operating authority. Supporting shippers: Grass More, Inc., Carpet Crafts, Inc., Indian Springs Carpet Mills, Rt. 2, Chatsworth, GA 30705. Send protests to: Sara K. Davis, ICC, 1252 W. Peachtree St., NW., Room 300, Atlanta, GA 30309.

MC 147627 (Sub-3TA), filed January 5, 1980. Applicant: ROADRUNNER DELIVERY SERVICE, INC., BWI

Airport, Box 8765, Baltimore, MD 21240. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *General commodities* (except Classes A & B Explosives, commodities in bulk, household goods and commodities requiring special equipment), between Philadelphia, PA and its commercial zone, on the one hand, and, on the other, Washington, DC, and its commercial zone. Restricted to traffic having prior or subsequent movement by air, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Imperial Air Freight Service, Inc., 57 Freeman St., Newark, NJ. Send protests to: ICC, 620 Fed. Res. Bank Bldg., 101 N. 7th St., Philadelphia, PA 19106.

MC 148247 (Sub-1TA), filed January 22, 1980. Applicant: JOHNNY M. JENKINS and ARTHUR L. JENKINS d.b.a. KENTUCKY TENNESSEE GEORGIA EXPRESS, 304 Oothcaloga Street, Calhoun, Georgia 30701. Representative: M. C. Ellis, Practitioner, % Chattanooga Freight Bureau, Inc., 1001 Market Street, Chattanooga, Tennessee 37402. *Carpet, floor coverings, related articles, and materials and supplies used in the manufacture thereof (Except commodities in bulk or Class A, B, and C explosives)*, between all points in GA and Hamilton County, TN, on the one hand, and on the other hand (1) all points in KY, and (2) all points in TN on and East of U.S. Interstate Highway 75 from the KY-TN state line to its intersection with U.S. Highway 129 then on and East of U.S. Highway 129 to the TN-NC state line, for 180 days. An underlying ETA seeks 90 days authority. There are 25 statements of support which can be viewed at the Commission's Regional office in GA. Send protests to: Sara K. Davis, ICC, 1252 West Peachtree St., Rm. 300, Atlanta, GA 30309.

MC 148347 (Sub-1TA), filed January 4, 1980. Applicant: FLORILLI ENTERPRISES, INC., 8002 1st Street West, Rock Island, IL 61201. Representative: Daniel C. Sullivan, Sullivan & Associates, Ltd., 10 S. LaSalle St., Suite 1600, Chicago, IL 60603. *Pancreas glands and packing house by-products* from Davenport and Sioux City, IA, Omaha, NE, and Milwaukee, WI, to New Orleans, LA and Norfolk, VA for 180 days. Supporting shipper(s): Herbert A. Salzman & Co., Davenport, IA. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 148556 (Sub-1TA), filed October 31, 1980. Applicant: KEEBLER COMPANY, One Hollow Tree Lane, Elmhurst, IL 60126. Representative:

Theodore Polydoroff, 1307 Dolley Madison Boulevard, McLean, VA 22101. *Contract Carrier: irregular routes: Foodstuffs (other than frozen and except in bulk)*, from the facilities of (See attachment—Appendix II) for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kellogg Company, Battle Creek, MI 49016. Send protests to: Transportation Assistant, ICC, 219 Dearborn St., Rm. 1386, Chicago, IL 60604.

MC 148737 (Sub-1TA), filed November 13, 1979. Applicant: SUNSET EXPRESS CORPORATION, 3665 West 1987 South, Salt Lake City, UT 84104. Representative: Marvin Friedland, 376 East 4th South, Salt Lake City, UT 84111. *Mined ore, finished milled products, and equipment, materials and supplies used in mining and milling operations*, between the facilities utilized by Borex Corporation located in ID, NV and UT, on the one hand, and, on the other, CA, CO, ID, MT, ND, NV, OK, TX, UT and WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Borex Corporation, 1405 East 2011 South, Salt Lake City, UT 84105. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 149087 (Sub-1TA), filed February 1, 1980. Applicant: LOU BAKER, an individual, d.b.a. A.E.A. COWBOY EXPRESS, 4601 W. 4th Street, Reno, NV 89503. Representative: Same as applicant. *General commodities*, in express service, between Nevada on the one hand, and on the other hand, points in Oregon and Washington, for 180 days. Supporting shipper(s): There are 6 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: W. J. Huetig, DS, I.C.C., 705 N. Plaza Street, Carson City, NV 89701.

MC 149137 (Sub-2TA), filed February 6, 1979. Applicant: MASTER TRANSPORT SERVICES, INC., 5000 Wyoming Ave., Suite 203, Dearborn, MI 48126. Representative: William B. Elmer, 21635 E. Nine Mile Rd., St. Clair Shores, MI 48080. *Health car materials dealt in or used by pharmaceutical and medical supply producers and distributors*, from Detroit, MI, to CA, CO, CT, GA, MD, MO, NJ, OH, PA, TX, and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Parke Davis, Division of Warner Lambert Co., 182 Tabor Rd., Morris Plains, NJ 07950. Send protests to: Transportation Assistants, ICC, 219 S. Dearborn St., Rm. 1386, Chicago, IL 60604.

MC 149157 (Sub-2TA), filed January 2, 1980. Applicant: STYLE CRAFT TRANSPORT, INC., Highway 71 South,

Milford, IA 51351. Representative: Foster L. Kent, P.O. Box 1017, Omaha, NE 68101. *Contract carrier, irregular routes: (1) New furniture and (2) Materials, equipment and supplies used in the manufacture and distribution of items in (1) above (1) from Milford and Bancroft, IA to points in the U.S. (except AK and HI) and (2) from points in the U.S. (except AK and HI) to Milford and Bancroft, IA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Style Craft Inc., Richard D. Johnson, Plant Manager, Hwy. 71 South, Milford, IA 51351. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.*

MC 149167 (Sub-1TA), filed January 30, 1980. Applicant: MAVERICK RENTING & LEASING, INC., 105 Howell, Street, Jersey City, NJ 07306. Representative: Piken & Piken, Esqs., 95-25 Queens Boulevard, Rego Park, NY 11374. *Contract carrier, irregular routes for 180 days. Bakery products (except commodities in bulk) between the facilities of Entenmann's, Inc., at North Lake, IL, on the one hand, and, on the other, St. Louis, MO, Detroit and Grand Rapids, MI, Solon, Cincinnati and Columbus, OH, Milwaukee and Madison, WI, Indianapolis, and Fort Wayne, IN, Peoria, IL and Louisville, KY and Cedar Rapids, IA. Between the facilities of Entenmann's Inc. at or near Miami, FL & Atlanta, GA. An underlying ETA seeks 90 days authority. Supporting shipper(s): Entenmann's, Inc., 1724 Fifth Avenue, Bay Shore, NY 11706. Send protests to: Robert E. Johnston, DS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.*

MC 149197 (Sub-1TA), filed January 8, 1980. Applicant: GARDNER TRUCKING CO., INC., 820 Ave. E, Pratt City, AL 35214. Representative: Gerald D. Colving, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203. *Contract, Irregular: Metal products, and materials, equipment and supplies used in the manufacture, distribution and sale of metal products*, between the facilities of Alabama Metal Industries Corp., at or near Birmingham, AL, on the one hand, and, on the other, all points in the U.S. in and east of the States of TX, OK, KS, NE, SD and ND, under a continuing contract with Alabama Metal Industries Corp., for 180 days. Supporting shipper(s): Alabama Metal Industries Corp., 3245 Fayette Ave., Birmingham, AL 35208. Send protests to: Mabel E. Holston, TA, ICC, Room 1616, 2121 Bldg., Birmingham, AL 35203.

MC 149216 (Sub-1TA), filed January 23, 1980. Applicant: MANE TRUCKING, INC., 67 Andrew Street, Newton Highlands, MA 02161. Representative:

James E. Mahoney, 148 State Street, Boston, MA 02109. *Contract carrier; irregular route; meats, meat products, meat by-products, and articles distributed by meat packinghouses, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates 61 MCC 209 and 766 between the facilities of Wellington, Cold Storage and Warehouse Corp., located in MA, on the one hand and, on the other, points in the US in and east of MN, IA, MO, AR, LA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wellington Cold Storage and Warehouse Corp., 50 Revere Beach Parkway, Medford, MA 02155. Send protests to: John B. Thomas, D/S, ICC, 150 Causeway Street, Boston, MA 02114.*

MC 149227 (Sub-1TA), filed January 22, 1980. Applicant: LONG TRANSPORTATION, INC., 212 Depo St., Goodlettsville, TN 37072. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. *Contract carrier; irregular routes: Steel sheets and steel coils, between Davidson County, TN, on the one hand, and, on the other, points in and east of MN, IA, MO, AR and LA, for 180 days. Supporting shipper(s): King Metal Sales, 147 Elm Hill Pike, Nashville, TN 37210. Send protests to: Glenda Kuss, TA, ICC, A-422 U.S. Court House, 801 Broadway, Nashville, TN 37203.*

MC 149237 (Sub-1TA), filed January 22, 1980. Applicant: WATSON TRUCKING CO., 8412 Lou Court, Louisville, KY 40219. Representative: Wm. P. Whitney, Jr., Attorney, P.O. Box 19097, Louisville, KY 40219. *Carpet, from LaGrange, Cartersville, Dalton, Calhoun and Chatsworth, GA to Louisville, Lexington, and Bowling Green, KY, and Clarksville, Madison and Columbus, IN, and their respective commercial zones. Supporting shipper(s) Stephen E. Carter, VP and Comptroller, Kinnaird & Francke Interiors, Inc., 207 Louisville Air Park, Louisville, KY 40219, and 3 retail outlets located in above destination points. Send protests to: Ms. Clara L. Eyl, T/A, ICC, 426 Post Office Bldg., Louisville, KY 40202.*

MC 149247 (Sub-2TA), filed January 23, 1980. Applicant: JOHNNY M. JENKINS AND ARTHUR L. JENKINS, d.b.a. KENTUCKY TENNESSEE GEORGIA EXPRESS, 304 Oothcaloga Street, Calhoun, GA 30701. Representative: M. C. Ellis, 1001 Market St., Chattanooga, TN 37402. *Carpet, floor coverings, related articles and materials and supplies used in the manufacture thereof, except commodities in bulk or Class A, B and C explosives, between*

all points in GA and Hamilton County, TN, on the one hand, and on the other, (1) all points in KY and (2) all points in TN on and east of U.S. Interstate Hwy. 75 from the KY-TN state line to its intersection with U.S. Hwy. 129 then on and east of U.S. Hwy. 129 to the TN-NC state line, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 25 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 149274 (Sub-TA), filed January 15, 1980. Applicant: HARRAN TRANSPORTATION CO., INC., 1417 Jerusalem Avenue, North Merrick, NY 11565. Representative: Owen B. Katzman, 1800 M Street, N.W.—Suite 800 South, Washington, D.C. 20036. *Contract carrier; irregular routes: Passengers and their baggage, between points in Queens, Nassau and Suffolk Counties, NY, on the one hand, and, on the other, the facilities of Resorts International, Inc., at Atlantic City, NJ, under a continuing contract with Resorts International, Inc.; for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Resorts International, Inc., Atlantic City, NJ. Send protests to: Maria Kejss, ICC, 26 Fed Plaza, Bldg. Rm 1807, NY, NY 10007.*

MC 149276 (Sub-1TA), filed January 23, 1980. Applicant: SIMPSON AND LANE SCHOOL BUS LTD., 472 25th Street, Battleford, SK, CD SOM OEO. Representative: Horst H. Dahlem, 1165 100th Street, North Battleford, SK, CD. *Passengers and their baggage in the same vehicle with passengers, in round trip charter operations, from the U.S.-Canada International Boundary line to points in the U.S., except HI, and return, for 180 days. Supporting shipper(s): Maher Agencies, Ltd., 1121 100th Street, North Battleford, SK, CD S9A OV4. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.*

MC 149297 (Sub-1TA), filed January 17, 1980. Applicant: H. C. CROKER WRECKER SERVICE, INC., P.O. Box 403, Lavonia, GA 30553. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. *Disabled vehicles & replacement tractors, trucks and/or trailers by use of towing vehicles, cranes, towbar and dollies, between points in GA on the one hand, and, on the other, points in OH, IN, IL, MO, AR, LA, MS, AL, FL, SC, NC, VA, WV, KY & TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 7 shippers. Their statements may be examined at the office listed below and*

Headquarters. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 149306 (Sub-TA), filed January 31, 1980. Applicant: JOSEPH C. KOCHANSKI, d.b.a. MIKE'S TRANSFER, 9229 Saddlebrook, St. Louis, MO 63126. Representative: Joseph C. Kochanski, 9229 Saddlebrook, St. Louis, MO 63126. *Contract carrier over regular routes, hardware and related items between a hardware cooperative central warehouse and its dealer-members for 180 days. (See attachment for described areas.) Supporting shipper(s): General Mercantile & Hardware, Inc., 3965 Park Ave., St. Louis, MO 63110. Send protests to: Opal M. Jones, ICC, 411 West 7th St., Suite 600, Fort Worth, TX 76102.*

MC (Sub-149346TA), filed May 31, 1979. Applicant: STAGECOACH WEST, INC., P.O. Box 264, Rapid City, SD 57709. Representative: James W. Olson, P.O. Box 1552, Rapid City, SD 57709. *Common carrier; regular route: Passengers and their baggage and express and newspapers in the same vehicle with passengers from Rapid City, SD and Spearfish, SD, serving all intermediate points over regular routes: From Rapid City, SD, over U.S. I-90 to Sturgis, SD, then east over Hwy SD 34 to Ft. Meade, SD and return over the same route to Sturgis, SD, then on U.S. I-90 to Spearfish, SD, and return over same route. Supporting shipper(s): Arrow Stage Lines, P.O. Box 568, Sioux City, IA 51102. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.*

Note.—Applicant proposes to Tack the authority sought here at Point of Rapid City and Deadwood, SD with its existing authority in Sub 1. An underlying ETA seeks 90 days authority.

MC 150006 (Sub-1TA), filed January 31, 1980. Applicant: RICHARD L. JENKINS AND WARDELL E. JENKINS, A Partnership, d.b.a. JENKINS BUILDING SUPPLY, P.O. Box 6, Alpine, WY 83128. Representative: Richard L. Jenkins (same address as applicant). *Contract carrier, irregular routes, transporting Bentonite, barite, drilling compounds, lost circulation materials, and commodities dealt in or used by mud companies, between points in Lincoln County, WY and points in WY, ID, UT & NV for 180 days. An underlying ETA seeks 90 days authority. Transportation to be conducted under a continuing contract or contracts with Milchem, Incorporated. Supporting shipper(s): Milchem Incorporated, P.O. Box 838, Denver, CO 80202. Send protests to: District Supervisor Paul A. Naughton, Interstate Commerce*

Commission, Room 105 Federal Bldg and CRT House, 111 South Wolcott, Casper, WY 82601.

MC 67646 (Sub-85F), filed June 4, 1979. Applicant: HALL'S MOTOR TRANSIT COMPANY, 6060 Carlisle Pike, Mechanicsburg, PA 17055. Representative: John E. Fullerton, Esquire, 407 N. Front St., Harrisburg, PA 17101. *Common carrier*, regular routes, transporting: *General commodities* (except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Boston, MA, and Wilkes Barre, PA; from Boston over Interstate Hwy 90 to junction Interstate Hwy 86, then over Interstate Hwy 86 to junction Interstate Hwy 84, then over Interstate Hwy 84 to junction Interstate Hwy 81, then over Interstate Hwy 81 to Wilkes Barre, and return over the same routes, serving all intermediate points in CT and MA, and all points in CT, MA and RI as off-route points; (2) between Harrisburg, PA and Wilkes Barre, PA, over Interstate Hwy 81, serving all intermediate points; (3) between West Middlesex, PA and Wilkes Barre, PA; from West Middlesex over PA Hwy 318 to junction PA Hwy 60, then over PA Hwy 60 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction Interstate Hwy 81, then over Interstate Hwy 81 to Wilkes Barre, and return over the same routes, serving all intermediate points; (4) between junction U.S. Hwy 22 and PA Hwy 33 and Wilkes Barre, PA; from junction U.S. Hwy 22 and PA Hwy 33 over PA Hwy 33 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction Interstate Hwy 81, then over Interstate Hwy 81 to Wilkes Barre, and return over the same routes; serving in connection with routes (1) through (4) above, all points in Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Susquehanna, Wayne and Wyoming Counties, PA, as intermediate or off-route points.

Notice No. 17

MC 4963 (Sub-118TA), filed November 21, 1979. Applicant: JONES MOTOR CO., INC., Bridge St. and Schuylkill Rd., Spring City, PA 19475. Representative: William H. Peiffer (same address as applicant). *Structural steel supplies and materials used in the manufacture of these commodities* between Nashville, TN, on the one hand, and, on the other, points in IA, MO, AL, GA, SC, NC, TN, WI, IL, IN, KY, MI, OH, WV, VA, PA, MD, DE, NJ, NY, VT, CT, RI, MA, NH, and ME, for 180 days, with service at Nashville, TN being restricted to the

plantsite and other facilities of Volunteer Structures, Inc. An underlying ETA seeks 90 days authority. Supporting shipper(s): Volunteer Structures, Inc., 4108 Dakota Ave., Nashville, TN. Send Protests to: Interstate Commerce Commission, Federal Reserve Bank Bldg., Room 620 101 North 7th St., Philadelphia, PA 19106.

MC 4963 (Sub-119TA), filed December 10, 1979. Applicant: JONES MOTOR CO., INC., Bridge St. and Schuylkill Rd., Spring City, PA 19475. Representative: Wm. H. Peiffer (same address as applicant). *Plastic pipe and fittings and iron or steel articles*, between points in MI, for 180 days. Restriction: Applicable from or to points east and south of the Ohio State Line. An underlying ETA seeks 90 days authority. Supporting shipper(s): Jones Motor Co., Inc., Bridge St. and Schuylkill Rd., Spring City, PA 19475. Send Protests to: Interstate Commerce Commission, Federal Reserve Bank Bldg., 101 North 7th St., Room 620, Philadelphia, PA 19106.

MC 32882 (Sub-139TA), filed December 28, 1979. Applicant: MITCHELL BROS. TRUCK LINES, 3841 N. Columbia Blvd., Portland, OR 97217. Representative: David J. Lister, P.O. Box 17039, Portland, OR 97217. Tractors, except truck tractors, and attachments, parts and accessories for tractors when moving at the same time and in the same equipment with tractors from the rail ramps at or near Seattle, WA and Portland, OR to points in WA, OR and ID, including points of entry on the United States and Canadian Boundary. Restriction: Restricted to the transportation of traffic having a prior movement by rail, for 180 days. A corresponding ETA has been granted and a permanent will be filed. Supporting shipper(s): Ford Tractor Operations, 2500 E. Maple Rd., Troy, MI 48064. Send Protests to: D. Merine Galbraith, T/A, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, OR 97204.

MC 58902 (Sub-20TA), filed January 24, 1980. Applicant: MANLEY TRANSFER COMPANY, INC., P.O. Box 1575 SSS, Springfield, MO 65806. Representative: A. J. Whisler (address same as applicant). *Common, regular routes; General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading* (1) between Joplin, MO and Fort Smith, AR, serving all intermediate points and the off-route points in Newton and McDonald Counties, MO and Benton, Washington, Crawford,

Sebastian Counties, AR; from Joplin over U.S. Hwy 71 to Fort Smith and return over the same route; (2) between Springfield, MO and Fort Smith, AR, serving all intermediate points; from Springfield over U.S. Hwy 60 to Junction U.S. Hwy 71, then over U.S. Hwy 71 to Fort Smith and return over the same route; (3) between Tulsa, OK and Fort Smith, AR, serving no intermediate points and serving the junction of U.S. Hwys 64 and 69 for purposes of joinder only; from Tulsa over U.S. Hwy 64 to Fort Smith and return over the same route; (4) between Neosho, MO and Miami, OK; from Neosho over U.S. Hwy 71 to junction U.S. Hwy 60, then over U.S. Hwy 60 to Junction MO Hwy 43, then over MO Hwy 43 to Junction MO County Hwy U, then over MO County Hwy U to MO/OK border and Junction OK Hwy 10 C, then over OK Hwy 10 C to Junction OK Hwy 10, then over OK Hwy 10 to Miami and return over the same route; (5) between Springdale, AR and Tulsa, OK, serving all intermediate points in AR and the junction of OK Hwy 33 and U.S. Hwy 69 for purposes of joinder only; from Springdale over AR Hwy 68 to Junction OK Hwy 33, then over OK Hwy 33 to Tulsa, and return over the same route; (6) between Muskogee, OK and Junction U.S. Hwys 69 and 66, serving the junction of U.S. Hwys 69 and 66 and the junction of OK Hwy 33 and U.S. Hwy 69 for the purpose of joinder only and serving Muskogee for the purpose of joinder only; from Muskogee over U.S. Hwy 69 to Junction U.S. Hwy 66 and return over the same route, for 180 days. Supporting shipper(s): 72 supporting shippers. Send protests to: Ruth Allport, TCS, ICC, 411 W. 7th St., Suite 600, Ft. Worth, TX 76102.

Note.—Applicant proposes to serve all commercial zones of all specified points and intermediate points as shown in Routes (1) through (5) above.

MC 63562 (Sub-72TA), filed January 21, 1980. Applicant: BN TRANSPORT INC., 6775 East Evans Ave., P.O. Box 22694, Wellshire Sta., Denver, CO 80222. Representative: Cecil L. Goettsch, 1100 Des Moines Bldg., Des Moines, IA 50307. *Plastic containers and materials and supplies used or useful in the production and marketing thereof* (except commodities in bulk), from Denver, CO to points in CA, for 180 days. Identical ETA seeks 90 days authority. Supporting shipper(s): Hoover Universal, Inc., P.O. Box 39307, 4990 Ironton Street, Denver, CO 80239. Send protests to: Roger L. Buchanan, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 64932 (Sub-610TA), filed December 26, 1979. Applicant: ROGERS

CARTAGE CO., 10735 S. Cicero Ave., Oak Lawn, IL 60453. Representative: William F. Farrell (address same as applicant). *Latex, in bulk* from Avon Lake, OH to Valley Forge, PA, for 180 days. Supporting shipper(s): B. F. Goodrich Co. Chemical Group, 6100 Oak Tree Blvd., Cleveland, OH 44131. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 88203 (Sub-12TA), filed November 30, 1979. Applicant: OTIS WRIGHT & SONS, INC., 700 E. Wayne St., P.O. Box 277, Lima, OH 45802. Representative: Earl N. Merwin, 85 E. Gay St., Columbus, OH 43215. Contract carrier, irregular routes: *Auto parts, accessories, machinery, materials, and equipment necessary for the production of motor vehicles*, between points in OH, on the one hand, and, on the other, points in the states in or east of the Mississippi River, for 180 days, under continuing contract(s) with Sheller-Globe Corporation. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sheller-Globe Corp., 1300 E. Kibby St., Lima, OH 45802. Send protests to: Interstate Commerce Commission, Federal Reserve Bank Bldg., 101 North 7th St., Room 620, Philadelphia, PA 19106.

MC 96992 (Sub-26TA), filed January 25, 1980. Applicant: HIGHWAY PIPELINE TRUCKING CO., P.O. Box 1517, Edinburg, TX 78539. Representative: Kenneth R. Hoffman, 801 Vaughn Bldg., Austin, TX 78701. *Gasoline, in bulk, in tank vehicles* from Tyler, and Longview, TX to Alexandria, Bossier City, Haughton, Monroe and Shreveport, LA, for 180 days. ETA for 90 days has been filed. Supporting shipper(s): Southland Corp., 3645 Southern Ave., Shreveport, LA 71104. Send protests to: Interstate Commerce Commission, 9A27 Fritz Garland, Lanham Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

MC 96992 (Sub-27TA), filed January 29, 1980. Applicant: HIGHWAY PIPELINE TRUCKING CO., P.O. Box 1517, Edinburg, TX 78539. Representative: Kenneth R. Hoffman, P.O. Box 2165, Austin, TX 78768. *Meat, meat products, meat byproducts and articles distributed by meat packing houses as described in Sections A and C of Appendix I to report in Descriptions of MC Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk)* from the facilities used by H & H Meat Products Company, Inc. in Cameron and Hidalgo Counties, TX, to points in AR, KS, LA, MO, NM and OK, for 180 days. Underlying ETA for 90 days has been filed. Supporting shipper(s): H & H Meat

Products Company, Inc., P.O. Box 358, Mercedes, TX 78570. Send protests to: Ruth Allport, TCS, ICC 411 W. 7th St., Suite 600, Ft. Worth, TX 76102.

MC 100892 (Sub-12TA), filed January 7, 1980. Applicant: TRANS-SOUTWEST CARRIERS, INC., 1074 S. 500 West, Salt Lake City, UT 84101. Representative: Lee Redman (same address). *Ores in barrels or bulk; ore concentrates in barrels; mining machinery, equipment and supplies used in mining, except hazardous materials, ores and mining machinery, equipment & supplies* between points in Maricopa and Pinal Counties, AZ and Davis and Salt Lake Counties, UT. *Ore concentrates* from Davis and Salt Lake Counties, UT to smelter sites in Kellogg, ID and Blythe, CA, for 180 days. There is an underlying 90-day ETA authorized. Supporting shipper(s): Advanced Materials Company, 404 Ironwood Dr., Box 15548, Salt Lake City, UT 84115. Send protests to: Patricia Allgier, TA, ICC, 5301 Federal Bldg., 125 S. State St., Salt Lake City, UT.

MC 102012 (Sub-492TA), filed December 10, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (address same as applicant). *Fixtures, furniture, food service equipment, parts and accessories for fixtures, furniture and food service equipment*, from the facilities of H. H. Thompson Co., located at or near Jacksonville, FL to points in AL, GA, LA, NC, PA, SC, TX and VA for 180 days. (Corresponding ETA seeks 90 days authority.) Supporting shipper(s): E. H. Thompson Company, 8230 Bay Center Road, Jacksonville, FL 32216. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 107403 (Sub-1318TA), filed January 25, 1980. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes (same address as applicant). *Synthetic resins, in bulk, in tank vehicles*, from Wilmington, DE to Mays Landing, NJ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Container Corp. of America, 1204 E. 12, Wilmington, DE 19899. Send protests to: Interstate Commerce Commission, Federal Reserve Bank Bldg., 101 North 7th St., Room 620, Philadelphia, PA 19106.

MC 107403 (Sub-1319TA), filed December 20, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes (same address as applicant). *Wheat flour, in bulk, in tank vehicles* from Columbus, OH to points in

IL, for 180 days. Supporting shipper(s): International Multifoods, 1200 Multifoods Bldg., Minneapolis, MN 55402. Send protests to: Interstate Commerce Commission, Federal Reserve Bank Bldg., 101 North 7th St., Room 620, Philadelphia, PA 19106.

MC 109533 (Sub-123TA), filed January 28, 1980. Applicant: OVERNITE TRANSPORTATION CO., 1000 Semmes Ave., Richmond, VA 23224. Representative: E. T. Liipfert, 1660 L St., NW, Washington, 20036; C. H. Swanson (same address as applicant). *General commodities* (except those of unusual value Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Bridgeport, Cincinnati, Columbus, Dayton, Kanauga, Marietta and Portsmouth, OH and Richmond, IN, on the one hand, and, on the other points in the following counties in OH: Allen, Ashland, Ashtabula, Athens, Auglaize, Belmont, Carroll, Columbiana, Coshocton, Crawford, Cuyahoga, Darke, Defiance, Erie, Fulton, Gallia, Geauga, Guernsey, Hancock, Hardin, Harrison, Henry, Hocking, Holmes, Huron, Jefferson, Knox, Lake, Lawrence, Logan, Lorain, Lucas, Mahoning, Medina, Meigs, Mercer, Monroe, Morgan, Morrow, Muskingum, Noble, Ottawa, Paulding, Perry, Portage, Putnam, Richland, Sandusky, Scioto, Seneca, Shelby, Stark, Summit, Trumbull, Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, Wood, Wyandot, for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to tack the authority sought with regular and irregular routes it is or may be authorized to serve. Applicant presently holds irregular route authority between Cincinnati, OH and the above counties in MC 109533 (Sub 71), and the purpose of this application is to add alternate gateways and eliminate a WV restriction in Sub 71. Supporting shipper(s): There are 127 supporting shippers, which can be reviewed at headquarters at Washington, DC or field office listed below: Send protests to: Interstate Commerce Commission, Federal Reserve Bank Bldg., 101 North 7th St., Room 620, Philadelphia, PA 19106.

MC 109533 (Sub-124TA), filed January 17, 1980. Applicant: OVERNITE TRANSPORTATION CO., 1000 Semmes Ave., Richmond, VA 23224. Representative: John C. Burton, Jr., (same address as applicant). Common carrier, regular routes: *General commodities* (except those of unusual value, Classes A & B explosives, household goods as defined by the

Commission, commodities in bulk, and those requiring special equipment), from the facilities of Old Dominion Beef, Inc., at or near Jarratt, VA, as an off route point in connection with carriers existing regular route operations, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Old Dominion Beef, Inc., 125 F & M Center, Richmond, VA 23277. Send protests to: Interstate Commerce Commission, Federal Reserve Bank Bldg., 101 North 7th St., Room 620, Philadelphia, PA 19106.

MC 111812 (Sub-718TA), filed December 21, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., 1600 East Benson Road, P.O. Box 1233, Sioux Falls, SD 57104. Representative: Lamoyne Brandsma, 1600 East Benson Road, P.O. Box 1233, Sioux Falls, SD 57104. *Such commodities as are dealt in by retail and wholesale automotive supply houses (except commodities in bulk), from the facilities of AMS Oil located at Superior, WI to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY for 180 days. (Corresponding ETA seeks 90 days authority.)* Supporting shipper(s): AMS Oil, AMS Oil Building, Superior, WI 54880. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 112893 (Sub-62TA), filed September 12, 1979. Applicant: BULK TRANSPORT COMPANY, P.O. Box 186, Pleasant Prairie, WI 53158. Representative: John Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., NW, Washington, DC 20004. *Asphalt and asphalt products from Chicago, IL to points in WI north of a line beginning at the IL-WI State line and extending along WI Hwy. 69 to Verona, WI thence along US Hwy. 151 to Jct. US 51, thence along US 51 to Stevens Point, WI, thence along US 10 to Appleton, WI, thence along US 41 to Green Bay, WI, thence along WI Hwy. 54 to Lake Michigan, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Struck & Irwin, Inc., 826 Williamson St., Madison, WI 53711. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.*

MC 114552 (Sub-251TA), filed January 24, 1980. Applicant: SENN TRUCKING CO., P.O. Drawer 220, Newberry, SC 29108. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. *Waste news paper from Harrison and Hackensack, NJ; Harrisburg and Philadelphia, PA to the plantsite of Southeast Paper Manufacturing Co., Dublin, GA, for 180 days. Supporting shipper(s): Southeast*

Paper Manufacturing Co., P.O. Box 1169, Dublin, GA 31021. Send protests to: E. E. Strotheid, D/S, ICC, 866 Strom Thurmond Fed. Bldg., 1835 Assembly St., Columbia, SC 29201.

MC 115413 (Sub-2TA), filed January 7, 1980. Applicant: BLISSFIELD TRUCK LINES, INC., P.O. Box 245, Archbold, OH 43502. Representative: Jesse L. Short (same address as applicant). *New furniture, furniture parts and materials, equipment, and supplies used in the manufacture of new furniture, except commodities in bulk, between Archbold, OH, on the one hand, and, on the other, points in GA, IL, IN, KY, MI, PA, TN, and St. Louis, MO and its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sauder Woodworking Co., 502 Middle St., Archbold, OH 43502. Send protests to: Interstate Commerce Commission, Federal Reserve Bank Bldg., 101 North 7th St., Room 620, Philadelphia, PA 19106.*

MC 114632 (Sub-278TA), filed December 12, 1979. Applicant: APPLE LINES, INC., 212 S.W. Second Street, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). *Meats, meat products, meat by-products and articles distributed by meat packinghouses, as described in Sections A & C of Appendix I to the Report in Descriptions in Motor Carrier Certificates 61 MCC 209 and 766 (except hides and commodities in bulk), from points in NE on and east of US Hwy 281, points in MN on and south of a line beginning at the SD/MN border and extending along MN Hwy 28 to Jct. 194, thence along 194 to Jct. MN Hwy 23, thence along MN Hwy 23 to Jct. MN Hwy 94, thence along MN Hwy 95 to the MN/WI border, and from points in the Chicago, IL Commercial Zone to points in the US in and east of ND, SD, NE, KS, OK and TX for 180 days. Supporting shipper(s): Weinstein International Corp., 5738 Olsen Highway, Minneapolis, MN 55422. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.*

MC 114632 (Sub-279TA), filed December 12, 1979. Applicant: APPLE LINES, INC., 212 S.W. Second Street, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). *Malt beverages, from the facilities of Miller Brewing Company at Milwaukee, WI to points in IL, IN, MI, NE, ND, & SD for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Miller Brewing Company, 3939 West Highland Blvd., Milwaukee, WI 53201. Send protests to:*

Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 114632 (Sub-280TA), filed December 17, 1979. Applicant: APPLE LINES, INC., 212 S.W. Second Street, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). *Such commodities as are dealt in by wholesale, retail and chain grocery and food business houses (except frozen commodities and commodities in bulk), originating from The Clorox Company facilities located at Kansas City, MO and destined to NE and SD for 180 days. Supporting shipper(s): The Clorox Company, 1221 Broadway St. Oakland, CA 94612. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.*

MC 114632 (Sub-281TA), filed December 17, 1979. Applicant: APPLE LINES, INC., 212 S.W. Second Street, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). *Foodstuffs, between the facilities of Delaware Freezer Center, located at Newark, DE on the one hand, and, on the other, points in and east of ND, SD, NE, CO & NM for 180 days. Supporting shipper(s): Louisville Freezer Center, 2000 South 9th St., Louisville, KY 40208. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.*

MC 115092 (Sub-100TA), filed September 11, 1979. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box O Vernal, UT 84078. Representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. *Machinery and parts thereof and iron and steel articles (except commodities which because of size or weight require specialized equipment) between Torrance, CA, on the one hand, and, on the other, Phoenix, AZ; Casper, WY; Albuquerque, NM; Pueblo and Denver, CO; Salt Lake City, UT; Portland, OR; Cleveland, Columbus and Cincinnati, OH; Missoula, MT and Richmond, IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Industrial Parts Depot, Inc., 1309 W. Sepulveda Blvd., Torrance, CA 90501. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.*

MC 115162 (Sub-516TA), filed December 20, 1979. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (address same as the address of the applicant). *(1) Alcohol anti-freeze, anti-freeze proprietary compounds, de-icing proprietary, windshield washer solvent (except in bulk, tank vehicles) containers and*

enclosures, from points in Montgomery Co., AL to points in the United States in and east of ND, SD, NE, KS, OK, and TX; and (2) *Materials, supplies and equipment as are used in the manufacture, sale and distribution of the commodities named above (except in bulk, in tank vehicles)*, from points in the United States in and east of ND, SD, NE, KS, OK, and TX to points in Montgomery Co., AL, for 180 days. Supporting shipper(s): Kinpak, Inc., P.O. Box 3594, Montgomery, AL 36109. Send protests to: Mabel E. Holston, TA, ICC, Room 1616, 2121 Bldg., Birmingham, AL 35203.

MC 115162 (Sub-517TA), filed January 3, 1980. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (address same as the address of the applicant). *Such commodities as are dealt in or used by manufacturers and dealers of agricultural equipment and machinery, industrial equipment and machinery, and lawn and leisure products (except commodities in bulk)*, from the rail ramps at or near Ashburn, GA, to points in AL, FL, GA, MS, SC, and TN, for 180 days. An underlying ETA seeks 90 days authority. *Restriction:* Restricted to the transportation of shipments having a prior movement by rail. Supporting shipper(s): Deere & Co., John Deere Rd., Moline, Ill 61265. Send protests to: Mabel E. Holston, TA, I.C.C., Room 1616, 2121 Bldg., Birmingham, AL 35203.

MC 115413 (Sub-3TA), filed January 7, 1980. Applicant: BLISSFIELD TRUCK LINES, INC., 1-22155 SH2, P.O. Box 245, Archbold, OH 43502. Representative: Jesse L. Short, P.O. Box 245, Archbold, OH 43502. *Ramps boarding, uncrated; stands, viz; baggage loading, uncrated; maintenance, uncrated; tubular steel scaffolding, uncrated; tubular steel scaffolding accessories and supplies used in the manufacture of scaffolding* between (1) Archbold, OH and IL, IN, IN, KY, MI; St. Louis, MO and its commercial zone, and TN; (2) Erin, TN and IL, IN, KY, MI, OH and St. Louis, MO and its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bil-Jax, Inc., E. Lugbill Rd., Archbold, OH 43502. Send protests to: Interstate Commerce Commission, Federal Reserve Bank Bldg., Room 620, 101 North 7th St., Philadelphia, PA 19106.

MC 118202 (Sub-151TA), filed December 31, 1979. Applicant: SCHULTZ TRANSIT, INC., 323 Bridge St., P.O. Box 406, Winona, MN 55987. Representative: Eugene A. Schultz (address same as applicant). *Such merchandise as is dealt in by wholesale*

and retail gift stores (1) from Addison, TX to Oklahoma City and Tulsa, OK; Kansas City, MO and its commercial zone, St. Louis, MO, Louisville, KY; Memphis, IN; Little Rock, AR; Atlanta, GA and DC. (2) from New York City, NY and its commercial zone; Boston, MA; Baltimore, MD and Blanchard, OH to Addison, TX. Restricted to shipments originating at or destined to the facilities utilized by Tuesday Morning, Inc. at the above named origins and destinations for 180 days. Supporting shipper(s): Tuesday Morning, Inc., 14621 Inwood Rd., Addison, TX 75240. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 119793 (Sub-15TA), filed December 28, 1980. Applicant: DEWEY L. WILFONG, d.b.a. D & W TRUCK LINES, 209 First St., Parsons, WV 26287. Representative: Dwight L. Koerber, 666 11th St., Washington, DC 20001. Contract carrier, irregular routes: *Charcoal briquettes* from the facilities of The Kingsford Co., at or near Burnside, KY; St. Louis, MO; Belle, MO; Columbus, and Cleveland, OH; Dothan, AL; Atlanta, GA; Charlotte, NC; and Chicago, IL to points in and east of MN, IA, MO, AR, and LA, under continuing contract(s) with The Kingsford Co., Louisville, KY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Kingsford Co., 1700 Commonwealth Bldg., Louisville, KY 40202. Send protests to: Interstate Commerce Commission, Federal Reserve Bank Bldg., 101 North 7th St., Room 620, Philadelphia, PA 19106.

MC 121733 (Sub-2TA), filed January 15, 1980. Applicant: SEA-RAIL TRUCKLOADS, INC., 4632 Shiela Avenue, Los Angeles, CA 90040. Representative: Miles L. Kavalier, 315 S. Beverly Dr., Suite 315, Beverly Hills, CA 90212. *New furniture in cartons*, from Booneville, Houston, Okolona, Pontotoc, Tupelo and Sherman, MS; Sanford, Liberty, Hickory and Lenoir, NC; and Austin and El Paso, TX to points in AZ, CA, CO, NM, NV, TX, OK, OR, WA and (2) from Los Angeles County, CA to points in AZ, CA, CO, NM, NV, TX, OK, OR, and WA, restricted to traffic originating at or destined to the facilities of Grantree Furniture Rental Corp., for 180 days. Supporting shipper(s): Grantree Furniture Rental Corporation, 201 S.W. Arthur Street, Portland, OR 97201. Send protests to: Irene Carlos, T/A, I.C.C., 300 N. Los Angeles St., Rm. 1321, Los Angeles, CA 90012.

MC 124692 (Sub-329TA), filed January 25, 1980. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59806. Representative: J. David

Douglas (same address as applicant). (1) *Building and construction materials* (except in bulk), and (2) *materials and supplies* used in the manufacture and distribution of construction materials, between the facilities of Celotex Corporation at or near Tracy, CA on the one hand, and, on the other, points in the U.S. in and west of MN, IA, MO, AR and LA, for 180 days. Supporting shipper(s): Jim Walter Corporation, 1500 North Dale Mabry Hwy., Tampa, FL 33607. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 126822 (Sub-81TA), filed January 31, 1980. Applicant: WESTPORT TRUCKING COMPANY, 15580 S. 169 Highway, Olathe, KS 66061. Representative: John T. Pruitt, 15580 S. 169 Highway, Olathe, KS 66061. *Nonalcoholic cocktail mixes* from Byhalia, MS to points in the U.S. (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Master of Mixes, Inc., 10975 Grandview St., Suite 120, Corporate Woods 27, Overland Park, KS 66210. Send protests to: Ruth Allport, TCS, ICC, Suite 600, 411 W. 7th St., Fort Worth, TX 76102.

MC 129862 (Sub-22TA), filed January 21, 1980. Applicant: JUR CORPORATION, d.b.a. RAJOR, INC., P.O. Box 756, 100 Beta Drive, Franklin, TN 37084. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Contract carrier: irregular routes: Air conditioning and heating units (except commodities which because of size or weight require the use of special equipment)* from points in Davidson County, TN to points in DC and NJ and those points in DE on and north of U.S. Hwy 40, in MD on and east of I-81 and on, west and north of U.S. Hwy 301 and in PA on, east and south of I-81 from the MD-PA state line to Jct. I-80 at or near St. Johns, then on and south of I-80 to the PA-NJ state line, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Heil Quaker Corporation, 1714 Heil Quaker Blvd., LaVergne, TN 37086. Send protests to: Glenda Kuss, TA, ICC, A-422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 138732 (Sub-35TA), filed January 3, 1980. Applicant: OSTERKAMP TRUCKING, INC., 764 North Cypress Street, P.O. Box 5546, Orange, CA 92667. Representative: Michael R. Eggleton, 2500 Old Crow Canyon Road, Suite 325, San Ramon, CA 94583. *Empty glass containers*, from points in California to points in Arizona, for 180 days. Supporting shipper(s): Kerr Glass Manufacturing Corp., Shipping

Supervisor, P.O. Box 2365, Santa Ana, CA 92707; Brockway Glass Co., Inc., Traffic Manager, West Coast Division, 8717 G Street, Oakland, CA 94621. Send protests to: Irene Carlos, TA, ICC, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 138732 (Sub-36TA), filed January 15, 1980. Applicant: OSTERKAMP TRUCKING, INC., 764 N. Cypress St., P.O. Box 5546, Orange, CA 92667. Representative: Michael R. Eggleton, 2500 Old Crow Canyon Rd., Suite 325, San Ramon, CA 94583. *Empty wooden pallets, and wood products*, from the facilities of Hunter Woodworks, at Carson, California, to points in Arizona and Nevada, for 180 days. Supporting shipper(s): Hunter Woodworks, P.O. Box 4937, Carson, CA 90749. Send protests to: Irene Carlos, T/A, I.C.C., 300 N. Los Angeles St., Rm. 1321, Los Angeles, CA 90012.

MC 138762 (Sub-53TA), filed January 30, 1980. Applicant: MUNICIPAL TANK LINES, LIMITED, P.O. Box 3500, Calgary, AB, CD T2P 2P9. Representative: Ray F. Koby, P.O. Box 2567, Great Falls, MT 59401. *Decant oil*, in bulk, in tank vehicles, from Toledo, OH to the International Boundary line between the U.S. and Canada at or near ports of entry in MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Columbian Chemicals Canada, Ltd., P.O. Box 3398, Station C, Hamilton, ON CD L8H 7M2. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 138882 (Sub-349TA), filed January 22, 1980. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. (1) *Roofing and roofing materials*, from the facilities of Elk Corporation of Alabama, at or near Tuscaloosa, AL, to points in KY and SC; and (2) *materials, equipment and supplies utilized in the manufacture or distribution of roofing and roofing materials, and roofing materials*, from points in AR, MS, LA, KY and SC, to the facilities of Elk Corporation of Alabama, at or near Tuscaloosa, AL, for 180 days. Supporting shipper(s): Elk Corporation of Alabama, P.O. Box 2450, Tuscaloosa, AL 35401. Send protests to: Mabel E. Holston, TA, ICC, Room 1616, 2121 Bldg., Birmingham, AL 35203.

MC 138882 (Sub-350TA), filed November 6, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Box 707, Troy, AL 36081. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority granted

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Containers and container end, caps, and covers and (2) Materials, equipment, and supplies used in the manufacture and sale of (1) above, between the facilities of National Can Corporation, its customers and suppliers located at points in the States of AL, AR, FL, KS, LA, MS, NC, SC, OK, and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): National Can Corporation, Route 287 and Randolphville Road, Piscataway, NJ 08854. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Bldg., Birmingham, AL 35203.

MC 138882 (Sub-351TA), filed January 28, 1980. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: John J. Dykema (same address as applicant). *Lumber*, from the facilities of Union Camp Corporation at or near Saco, AL, to points in FL, GA and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Union Camp Corporation, 1600 Valley Road, Wayne, NJ 07470. Send protests to: Mabel E. Holston, TA, ICC, Room 1616, 2121 Bldg., Birmingham, AL 35203.

MC 139482 (Sub-173TA), filed December 31, 1979. Applicant: NEW ULM FRIGHT LINES, P.O. Box 877, New Ulm, MN 56073. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. *Bananas, and bananas when moving in mixed loads with exempt agricultural commodities* from Baltimore, MD and New York City, NY to points in IL, IN, MI, OH, PA and WI for 180 days. Supporting shipper(s): Castle & Cooke Foods, P.O. 3929, San Francisco, CA 94119. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 139642 (Sub-6TA), filed January 7, 1980. Applicant: BAMA TRANSPORTATION COMPANY, INC., 5247 East Pine, Tulsa, OK 74115. Representative: Jack R. Anderson, 9 East Fourth Street, Suite 305, Tulsa, OK 74103. *Contract carrier: Irregular routes: General commodities*, (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Rouses Point, NY and Swanton, VT, to all points in AR, IL, IN, KS, KY, MI, MO, OK, OH, TN, & TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Champlain Valley International Shippers and Receivers Association, Inc., P.O. Box 277, Rouses Point, NY 12979. Send protests to: Connie Stanley,

ICC, Rm 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 140612 (Sub-82TA), filed January 31, 1980. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar Rapids, IA 52406. Representative: J. L. Kazimour (same address as applicant). *Such merchandise as is dealt in or used by retail stores (except foodstuffs and commodities in bulk, in tank vehicles)* between points in the U.S. (except AK and HI), for 180 days, restricted to traffic originating at or destined to the facilities of the Ardan Co. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ardan Wholesale, Inc., 2320 Euclid, Des Moines, IA 50310. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 142383 (Sub-42TA), filed November 19, 1979. Applicant: KUJAK TRANSPORT, INCORPORATED, 6366 West 6th Street, Winona, MN 55987. Representative: Gary Huntbatch (same as applicant). *Salt, (in bulk)*, from LaCrosse, WI to pts in MN on and east of Hwy 71 and on and south of Hwy 19, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Maldot, Area Maintenance Eng., Hwy 14, Owatonna, MN 55060. Send protests to: Judith L. Olson, TA, ICC, 414 Fed. Bldg., 110 S. 4th St., Minneapolis, MN 55401.

MC 142703 (Sub-26TA), filed January 7, 1980. Applicant: INTERMODAL TRANSPORTATION SERVICES, INC., Post Office Box 14072, Cincinnati, OH 45214. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215. *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)*, between Macon, GA, on the one hand, and, on the other, points in GA, restricted to transportation of shipments having a prior or subsequent movement by rail. Supporting shipper(s): Sears, Roebuck & Co., Sears Tower, Chicago, IL 60684; Ohio Valley Shippers Association, 1428 Dalton St., Cincinnati, OH 45214. Send protests to: Interstate Commerce Commission, Federal Reserve Bank Bldg., 101 North 7th St., Room 620, Philadelphia, PA 19106.

MC 144682 (Sub-38TA), filed January 7, 1980. Applicant: R. R. STANLEY, 1738 Empire Central, Dallas, TX 75235. Representative: D. Paul Stafford, P.O. Box 45538, Suite 1125 Exchange Park, Dallas, TX 75245. (1) *Malt beverages and related advertising materials* from Jefferson County, CO, to ID, OK, and TX; (2) *Empty used beverage containers for recycling and materials and supplies used in and dealt with by breweries*

from ID, OK, and TX to Jefferson County, CO for 180 days. Underlying ETA for 90 days has been filed. Supporting shipper(s): Adolph Coors Company, Golden, CO 80401. Send protests to: Ruth Allport, TCS, ICC, 411 W. 7th Street, Suite 600, Ft. Worth, TX 76102.

MC 144682 (Sub-39TA), filed January 16, 1980. Applicant: R. R. STANLEY, 1738 Empire Central, Dallas, TX 75235. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. (1) *Foodstuffs, frozen or unfrozen, from the facilities used by Texsun Corporation at Weslaco, TX, Plymouth, IN and points in FL to points in the states of WA, CA, OK, CO, KY, TN, AR, MS, LA, UT, NM, KS, IA, MO, IN, AL, OR, NE, AZ, IL, MI, WI, OH, NV, MT, MN, ND, and TX.* (2) *Supplies, equipment, and materials used in the manufacture of foodstuffs from points in the U.S. to the facilities used by Texsun Corp. at Weslaco, TX, Plymouth, IN, and points in FL, for 180 days. Underlying ETA for 90 days has been filed. Supporting shipper(s):* Texsun Corporation, 522 S. Texas St., Weslaco, TX 78596. Send protests to: Ruth Allport, TCS, ICC, 411 W. 7th Street, Suite 600, Ft. Worth, TX 76102.

MC 145102 (Sub-51TA), filed January 14, 1980. Applicant: FREYMILLER TRUCKING, INC., P.O. Box 188, Shullsburg, WI 53586. Representative: Michael J. Wyngaard, 150 E. Gilman St., Madison, WI 53703. *Such commodities as are manufactured or distributed or used by manufacturers or distributors of plastic, wooden and health care products from the facilities of Bemis Manufacturing Company at or near Sheboygan Falls, WI to points in AL, AZ, CA, CO, FL, GA, ID, MT, NV, NM, OK, OR, TX, UT, and WA for 180 days. (Corresponding ETA seeks 90 days authority.) Supporting shipper(s):* Bemis Manufacturing Co., 300 Mill Street, Sheboygan Falls, WI 53085. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 147723 (Sub-1TA), filed January 12, 1980. Applicant: E. B. COMPANY, INC., 5100 W. 164th St., Brook Park, OH 44142. Representative: Edward J. Bammerlin (same address as applicant). *Cleaning compound products and equipment, except in bulk, between the facilities of State Chemical Mfg. Co., located at or near Los Angeles, CA, Newark, NJ, Atlanta, GA and Cleveland, OH, on the one hand, and, on the other, points in the US (except AL and HI); and materials, equipment and supplies used in the manufacture and transportation of cleaning compounds, except in bulk, and empty containers, such as are used*

in the transportation of cleaning compounds on return, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): State Chemical Mfg. Co., 3100 Hamilton Ave., Cleveland, OH 44114. Send protests to: ICC, 620 Fed. Res. Bank Bldg., 101 N. 7th St., Phila., PA 19106.

MC 147842 (Sub-1TA), filed January 23, 1980. Applicant: COLEMAN BROS. TRUCKING, INC., Route 1, P.O. Box 203, Potosi, MO 63664. Representative: Ernest A. Brooks, II, 1301 Ambassador Bldg., St. Louis, MO 63101. Contract, irregular, *Iron ore and iron oxide*, from the facilities of St. Joe Lead Company at or near Sullivan, MO to Shawnee, OK, Elizabethtown, KY, and Washington, IN, under continuing bilateral contract with St. Joe Lead Company, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): St. Joe Lead Company, 7733 Forsyth Blvd., Clayton, MO 63105. Send protests to: Marianne Minnich, TCS, ICC, Suite 600, 411 W. 7th, Ft. Worth, TX 76102.

MC 148192 (Sub-2TA), filed September 26, 1979. Applicant: H. GOODMAN & SONS, INC., 969 Newark Turnpike, Kearny, NJ 07032. Representative: Thomas F. Kilroy, Suite 406 Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. Contract carrier, irregular routes for 180 days. Printed matter and printing paper from Chicago, IL to points in CT, GA, MD, NY, PA, VA and the District of Columbia. Supporting shipper(s): Time, Inc., Time-Life Bldg., 19th Floor, 303 East Ohio Street, Chicago, IL 60611. Send protests to: Robert E. Johnston, DS, ICC, 744 Broad Street, Room 522, Newark, NY 07102.

MC 148292 (Sub-4TA), filed September 28, 1979. Applicant: J. POSA, INC., One North First Street, Fulton, NY 13069. Representative: Piken & Piken, 95-25 Queens Blvd., Rego Park, NY 11374. *Malt beverages and related advertising materials, from New York, NY and Elizabeth, Secaucus and Newark, NJ and points in their commercial zones, to points in CT, DE, ME, MD, MA, NH, NJ, NY, OH, PA, VT, VA and DC. Empty barrels, pallets and supplies, from points in destination states above to points shown as origins above, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s):* Van Munching & Co., Inc., 51 W. 51st St., New York NY 10019. Send protests to: Anne C. Siler, TA, ICC, 910 Federal Bldg., 111 West Huron St., Buffalo, NY 14202.

MC 148292 (Sub-6TA), filed January 21, 1980. Applicant: J. POSA, INC., One North First Street, Fulton, NY 13069. Representative: Piken & Piken, 95-25 Queens Blvd., Rego Park, NY 11374.

Malt beverages and related advertising materials, between Baltimore, MD; Richmond, VA; and points on the US-Canadian border in NY, on the one hand, and, on the other, points in CT, MA, RI, ME, NH, VT, NY, NJ, PA, DE, MD, VA, NC, SC, GA and DC for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Van Munching & Co., Inc., 51 W. 51st Street, New York, NY 10019. Send protests to: Anne C. Siler, TA, ICC, 910 Federal Bldg., 111 West Huron Street, Buffalo, NY 14202.

MC 148352 (Sub-2TA), filed November 1, 1979. Applicant: R & B TRUCKING COMPANY, INC., P.O. Box 351, Millport, AL 35576. Representative: Ronald L. Stichweh, 727 Frank Nelson Building, Birmingham, AL 35203. *Treated and untreated lumber and plywood* (1) From Lamar County, AL, and Fulton, MS, to points located in AL, AR, CT, FL, GA, IL, IN, IA, KS, KY, LA, MD, MI, MN, MS, MO, NC, OH, OK, PA, SC, TN, TX, VA, and WV; and (2) from all points in the states of GA, MS, and SC to Lamar County, AL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Weyerhaeuser Co., Inc., P.O. Box W, Millport, AL 35576. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 148373 (Sub-2TA), filed January 22, 1980. Applicant: WARNER ROSS TRUCKING, INC., Route 1, Box 282, Toone, TN 38381. Representative: R. Connor Wiggins, Suite 909, 100 N. Main St., Memphis TN 38103. (1) *Crossties, lumber and lumber mill products, between points in TN on and west of the TN River on the one hand, and, on the other, IN, KY, GA, MO, MS, AL, IL and AR and (2) Log homes and components thereof, in straight or mixed shipments, from Mooreville, MS to points in AL, AR, GA, IL, IN, KY and MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s):* There are five supporting shippers, which can be reviewed at Washington, DC, or office listed below: Send protests to: Diana J. Porter, Suite 2006, 100 N. Main St., Memphis, TN 38103.

MC 148443 (Sub-4TA), filed January 4, 1980. Applicant: SOUTH SHORE EQUIPMENT CORP. 1294 Miller Rd., Avon, OH 44011. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. (1) *Cleaning compounds, rust preventing compounds, proprietary electroplating additives, paint, paint products, metal and metal products, petroleum products, nickel, chemicals, and (2) materials and supplies used in the manufacturing, marketing, and distribution of commodities in (1) above*

(except in bulk) between Cleveland, OH, CT, SC, FL, MI, MN, IL, MO, TX, LA, CO, AZ, CA, and WA, on the one hand, and, on the other, points in the continental U.S., for 180 days. Supporting shipper(s): R. O. Hull & Co., 23000 St. Clair Ave., Cleveland, OH 44117. Send protests to: Interstate Commerce Commission, Federal Reserve Bank Bldg., 101 North 7th St. Room 620, Philadelphia, PA 19106.

MC 148552 (Sub-1TA), filed November 19, 1979. Applicant: MOTOR HOME TRANSPORT INC. CA, 3401 Etiwanda Ave., Space #941, Mira Loma, CA 91752. Representative: David L. Steinhagen (same address as above). Motor homes, between Riverside, Orange and Los Angeles Counties CA. and points in the United States (except Hawaii), for 180 days. An underlying ETA granted up to 90 days operating authority. Supporting shipper(s): There are approximately 8 supporting shippers. Their statements may be seen at the office below or at Headquarter. Send protests to: Irene Carlos, TA, ICC, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 148802 (Sub-1TA), filed January 21, 1980. Applicant: R.P.M. MESSENGER SERVICE, 3387 Quakerbridge Road, Mercerville, NJ 08619. Representative: Russell B. Hiner, 3387 Quakerbridge Road, Mercerville, NJ 08619. (1) Interoffice communications (2) books and brochures (3) machinery and aircraft parts (4) computer tapes (5) legal documents (6) materials as are used in operations of business offices. The described commodities shall not exceed 3500 lbs. in any one shipment, not shall it require any vehicle larger than a parcel van. Between points in NJ, PA and NY, for 180 days. Supporting shipper(s): Wall Colmonoy Corporation, 149 Newbold Road, Fairless Hills, PA 19030 Sibson & Company, Inc., 1101 State Road, Princeton, NJ 08540. Send protests to: Robert J. Latarewicz, TR&TS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 149072TA, filed December 28, 1979. Applicant: ROBERT L. BELL, Skaar Route, Box 264, Sidney, MT 59270. Representative: Otto T. Habedank, Attorney, 302 W. Main, Sidney, MT 59270. General Commodities with the usual exceptions, from Glendive, MT to Sidney, MT via MT Hwy 16 and return over the same route, serving all intermediate points; and from Fairview, MT to Circle, MT via MT Hwy 200 and return over the same route, serving all intermediate points, for 180 days. Supporting shipper(s): Sunrise Equipment, Inc., Hwy 16 North, Sidney, MT 59270; Larson Motor Co., 215 East

Main, Sidney, MT 59270; Valley Motor Supply Co., 216 North Central, Sidney, MT 59270; Gem City Motor Co., 203 So. Central Ave., Sidney, MT 59270; Texas Refinery Corp., P.O. Box 711, Ft. Worth, TX 76101. Send Protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 149253 (Sub-1TA), filed January 30, 1980. Applicant: THE HONEY CREEK EXPRESS CO., Blakesburg, IA 52536. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309. (1) meats, meat products, and meat byproducts, as described in Section A of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) and (2) materials, equipment, and supplies (except commodities in bulk) used in the processing and distribution of meats, meat products, and meat byproducts between the facilities of Honey Creek Provisions Co. at or near Nevada, OH, on the one hand, and, on the other, points in and west of MI, IN, KY, TN, and MS, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Honey Creek Provisions Co., P.O. Box 7, Nevada, OH 44849. Send Protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 149342TA, filed January 28, 1980. Applicant: THOMAS H. TAUNTON, Rt. 1 Box 182, Butler, GA 31006. Representative: Verna C. Taunton, Rt. 1 Box 182, Butler GA 31006. Farm products (soybeans, corn, wheat, oats, rye, fruits and vegetables), fertilizer and fertilizer materials; agricultural limestone, land plaster, basic slag, fertilizer compounds (manufactured fertilizers), NOI, dry, between points in GA, FL, AL, NC, and SC, for 180 days. Supporting shipper(s): Schley County Agri-Services, Inc., Ellaville, GA 31806. Send protests to: Sara K. Davis, T/A, Interstate Commerce Commission, 1252 West Peachtree Street, NW., Suite 300, Atlanta, GA 30309.

MC 147862 (Sub-1TA), filed November 21, 1979. Applicant: G. L. NICHOLS TRUCKING, INC., P.O. Box 86, Flora, IL 62839. Representative: Michael W. O'Hare (attorney-at-law), 300 Reisch Bldg., Springfield, IL 62701. Contract: irregular: meats, meat products, meat by-products and articles distributed by meat packaging houses as described in Motor Carrier Certificates 61, M.C.C. 209 and 766 except hides and commodities in bulk for the account of Swift and Co., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Swift & Co., 115 W. Jackson Blvd., Chicago, IL 60604. Send protests to: Transportation Assistant, ICC, 219 S.

Dearborn St., Rm. 1386, Chicago, IL 60604.

Notice No. 19

March 20, 1980

MC 908 (Sub-12TA), filed December 13, 1979. Applicant: CONSOLIDATED CARTAGE COMPANY, INC., P.O. Box 171, Argo, IL 60501. Representative: Eugene L. Cohn, One North LaSalle St., Chicago, IL 60602. Electrical and electronics group: sets, television and related articles including, wooden and plastic cabinets and parts thereof, materials, equipment, supplies used in the manufacture and distribution of aforementioned articles, also, same rejected material being returned to vendors, between the Chicago, IL commercial zone, on the one hand, and on the other hand points in IN Louisville, KY, Cincinnati, OH, and their respective commercial zones, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Matsushita Industrial Co., 9401 W. Grand Avenue, Franklin Park, IL 60131. Send protests to: Jackie Banks, TA, ICC, 219 S. Dearborn St., Rm. 1386, Chicago, IL 60604.

MC 908 (Sub-13TA), filed December 13, 1979. Applicant: CONSOLIDATED CARTAGE COMPANY, INC., P.O. Box 171, Argo, IL 60501. Representative: Eugene L. Cohn, One North LaSalle St., Chicago, IL 60602. Containers sheet steel group; and materials, equipment and supplies used in the manufacture and distribution of containers, between Chicago, IL commercial zone on the one hand, and, on the other hand, points in IN, Louisville, KY, Detroit, MI, St. Louis, MO, and Cincinnati, OH, and their respective commercial zones. Restricted against commodities in bulk, class A and B explosives, and household goods, 180 days, an underlying ETA seeks 90 days authority. Supporting shipper(s): Brenton P. Hirsch, 3200 S. Kilbourn Ave., Chicago, IL 60623. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Rm. 1386, Chicago, IL 60604.

MC 143868 (Sub-9TA), filed January 3, 1980. Applicant: R.E.T.E.N.O. CARRIERS, INC., P.O. Box 1438, Willmar, MN 56201. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Contract carrier: Irregular routes: (1) Equipment, materials, and parts used in the manufacture or assembly of components for chain saws, in vehicles equipped with mechanical refrigeration, between the port of entry on the international boundary line between the United States and Canada located at or near Blaine, WA, on the one hand, and on the other, Dyer and Jackson, TN, and (2) bar, coil and extruded steel, in vehicles equipped

with mechanical refrigeration, from Detroit, MI, Palmer, MA, and points in PA (except Aliquippa and Farrell) to the port of entry on the internal boundary line between the United States and Canada located at or near Blaine, WA for 180 days. (Corresponding ETA seeks 90 days authority.) Supporting shipper(s): Windsor Machine Co., Ltd., 5771 Production Way, Langley, BC, Canada. Send protests to: Transportation Assistant, ICC 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 146438 (Sub-7TA), filed January 4, 1980. Applicant: ETV, INC., P.O. Box 393, Comstock Park, MI 49321. Representative: Miss Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. (1) *Frozen foods and (2) Materials and supplies used in the manufacture and distribution of frozen foods (except commodities in bulk)*, (1) from the facilities of Chef Pierre Inc. at or near traverse City, MI to its facilities at Forest, MS and (2) from MI, IN, OH, IL and WI to the facilities of Chef Pierre Inc. at Forest, MI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Chef Pierre, Inc., Box 1009, Traverse City, MI 49684. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

Notice No F-12

The following applications were filed in Region 2. Send protests to: ICC, Federal Reserve Bank Bldg., 101 N. 7th St., Room 620, Philadelphia, PA 19106.

MC 119118 (Sub-2-1TA), filed February 11, 1980. Applicant: McCURDY TRUCKING, INC., P.O. Box 388, Latrobe, PA 15650. Representative: Craig B. O'Rourke (same address as applicant). *Malt beverage in containers, empty malt beverage containers and pallet on return and materials and supplies used in the manufacture of malt beverages*, between Latrobe, PA, on the one hand, and, on the other, points in ME, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Latrobe Brewing Co., Box 350, Latrobe, PA 15650.

MC 150035 (Sub-2-1TA), filed February 7, 1980. Applicant: KALL-WALKER ENTERPRISES, INC., d.b.a. TERMINAL DISTRIBUTION SERVICE, P.O. Box 156 Mid-City Station, 20-60 Eaker St., Dayton, OH 45402. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. *Such commodities as are distributed or dealt in by food distribution centers or by wholesale, retail and chain grocery and food business houses*, between the facilities of Terminal Cold Storage at Dayton, OH, on the one hand, and, on the other, points in IL, IND, KY, MI, PA

and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Terminal Cold Storage Co., P.O. Box 156, Mid-City Station, 20-60 Eaker St., Dayton, OH 45402; Sell, Inc., 836 Westbrook Rd., Dayton, OH 45415.

MC 150182 (Sub-2-1TA), filed February 8, 1980. Applicant: DONALD SANTISI TRUCKING COMPANY, 1024 N. Main St., Niles, OH 44446. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. *Building materials (except commodities in bulk)*, between Cuyahoga Falls, Wadsworth and West Salem, OH, on the one hand, and, on the other, points in AZ, CA, ID, MT, NV, OK, OR, TX, UT and WA, for 180 days. An underlying ETA requests 90 days authority. Supporting shipper(s): Alsode, Inc., 3773 Akron-Cleveland Rd, POB 2010, Akron, OH 44309.

MC 144188 (Sub-2-1TA), February 8, 1980. Applicant: P. L. LAWTON, INC., Box 325, Berwick PA 18603. Representative: J. Bruce Walters, P.O. Box 1146, 410 North Third St., Harrisburg, PA 17108. (1) *Agricultural and horticultural supplies made of molded pulp or peat with or without other ingredients, I.E. egg cartons, filler flats (filler flats combined), cup flats, interior packing forms, trays, packing partitions, peat pots, seedling blocks, propagating shapes, till boxes, and articles used in the manufacture and packaging of such articles*, between the facilities utilized by Keyes Fibre Company at or near Hammond, IN, and points in MN, WI, MI, IA, IL, IN, OH, PA, WV, KY, MO, OK, AR, TN, AL (except points on and north of U.S. Hwy 78), MS, TX, KS and LA, and, between the facilities utilized by Keyes Fibre Company at or near New Iberia, LA, and points and places in MN, WI, MI, IA, IL, IN, OH, PA, WV, KY, MO, OK, AR, TN, AL, MS, TX, LA, and FL; and (2) *expanded or foam plastic egg cartons and food service containers*, between the facilities utilized by Keyes Fibre Company at or near Troy, OH, Dayton, OH, Waterville, ME, Hammond, IN, and Memphis, TN, and points in CT, DE, FL, GA, ME, MD, MA, NH, NJ, NY, NC, PA, RI, SC, VT, VA, and WI, with (1) and (2) above restricted to traffic originating at or destined to the facilities of Keyes Fibre Company, for 180 days. Supporting shipper: Keyes Fibre Company, Waterville, ME 04091.

MC 55847 (Sub-2-3FA), filed February 14, 1980. Applicant: TRP, INC., 3320 South Third St., Philadelphia, PA 19148. Representative: James W. Patterson, 1200 Western Savings Bank Building, Philadelphia, PA 19107. *Contract carrier; irregular routes: (1) Unprinted paper from the facilities of Roosevelt Paper*

Co. at Philadelphia, PA to New York and Suffolk County, NY, DC and points in DE, MD and NJ; (2) *Materials, equipment and supplies used in the manufacture and distribution of unprinted paper (except in bulk)* from the destinations set forth in (1) above to the facilities of Roosevelt Paper Co. at Philadelphia, PA, under continuing contract(s) with Roosevelt Paper Co., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Roosevelt Paper Co., 7601 State Road, Philadelphia, PA 19136.

MC 124821 (Sub-2-2TA), filed February 14, 1980. Applicant: GILCHRIST TRUCKING, INC., 105 N. Keyser Ave., Old Forge, PA 18518. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Rd., Camp Hill, PA 17011. *Foodstuffs, pet foods, and animal feeds*, between the facilities of Carnation Co. at or near Ft. Wayne, IN; Kokomo, IN; Jacksonville, IL; Jefferson, WI; Mechanicsburg, PA and South Dayton, NY, on the one hand, and, on the other, points in IL, IN, WI, NY, NJ and PA, for 180 days. Restricted to the transportation of traffic originating at or destined to the facilities of Carnation Co. Supporting shipper(s): Carnation Co., 5045 Wilshire Blvd., Los Angeles, CA 90036.

MC 126255 (Sub-2-1TA), filed February 13, 1980. Applicant: BUTLER-JONES AIR FREIGHT, INC., Salisbury-Wicomco Airport, P.O. Box 1964, Salisbury, MD 21801. Representative: Peter A. Greene, 900 17th St., NW., Washington, D.C. 20006. *General commodities*, (except those of unusual value, Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and those requiring special equipment), between Baltimore-Washington International Airport, Anne Arundel County, MD and Washington National Airport, Gravelly Point, VA, on the one hand, and, on the other, points in Kent County, DE, restricted to the transportation of traffic having an immediately prior or subsequent movement by air, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Consolidated Thermoplastics, Inc., P.O. Box 27, Harrington, DE 19952; International Playtex, Inc., P.O. Box 631, Dover, DE 19901.

MC 21866 (Sub-2-2TA), filed February 12, 1980. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Alan Kahn, 1430 Land Title Bldg., 100 S. Broad St., Phila., PA. 19110. *Laminated panels*, from the facilities of Laminators, Inc. in Hatfield, PA to Houston, TX and Buffalo, NY, for 180 days. An underlying

ETA seeks 90 days authority. Supporting shipper(s): Laminators, Inc., P.O. Box 266, Hatfield, PA 19440.

MC 126119 (Sub-II-1TA), filed February 21, 1980. Applicant: EASTERN MOTORS TRANSPORT, INC., P.O. Box 501, Richmond, VA 23204. Representative: Mel P. Booker, Jr., 110 S. Columbus St., Alexandria, VA 22314. *Petroleum and petroleum products* (except petrochemicals), in bulk, from the Colonial Pipeline at or near Montvale, VA to Tazewell and Buchanan Counties, VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Gulf Oil Co.—U.S., P.O. Box 3706, Houston, TX 77001.

MC 115703 (Sub-II-1TA), filed February 11, 1980. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 375, 220 Park Road North, Wyomissing, PA 19610. Representative: Robert D. Gunderman, Suite 710 Statler Bldg., Buffalo, NY 14202. (1) *Air filtration equipment requiring transportation on specialized equipment only*, and (2) *return shipments in the reverse direction of raw materials supplies and equipment used in the manufacture, production, sale or distribution of air filtration equipment*, between Pineville, NC, on the one hand, and, on the other, points in AL, FL, GA, IN, MD, MI, NY, OH, PA and SC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Aeronca Inc., P.O. Box 688, Pineville, NC.

MC 150056 (Sub-2-1TA), filed February 4, 1980. Applicant: EDWARD E. GARNER, d.b.a. CUSTOM TRANSPORT, 6600 Sweet Air Lane, Sykesville, MD 21784. Representative: Chester A. Zybult, 366 Executive Bldg., 1030 Fifteenth St. NW., Washington, DC 20005. *Insecticides, herbicides, pesticides, fertilizer and agricultural chemicals (except in bulk) and applicators therefor*, from South Plainfield, NJ and Lebanon, PA to points in FL, GA, NC and SC, for 180 days. Supporting shipper(s): Chevron Chemical, 1200 State St., Perth Amboy, NJ 08861.

MC 149021 (Sub-2-1TA), filed February 11, 1980. Applicant: HODGES TRUCKING CO., INC., P.O. Box 128, Axtron, VA 24054. Representative: Earnest Hodges (same address as applicant). *New furniture*, from Martinsville, VA to points in AX, CA and UT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hooker Furniture Corp., P.O. Box 4708, Martinsville, VA 24112.

MC 150011 (Sub-2-1TA), filed February 11, 1980. Applicant: SOUTHWEST QUALITY FOODS, INC.,

Route 2, Box 160-H, Wytheville, VA 24382. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. (1) *Foodstuffs, not frozen, cleaning, scouring and washing compounds, methanol solidified, paper articles, plastic articles, scourers, toothpicks, chef hats, and straws*, from the facilities of John Sexton & Co. at or near Dorsey, MD to the facilities of John Sexton & Co. at Elk Grove Village, IL; and (2) *foodstuffs, frozen*, from the facilities of John Sexton & Co. at Baltimore, MD to the facilities of John Sexton & Co., at Lyons, IL; and (3) *foodstuffs, frozen or chilled*, from the facilities of John Sexton & Co. at Lyons, IL to Appalachia, VA, Greensboro, NC and Somerset, KY; and (4) *foodstuffs, not frozen*, from the facilities of John Sexton & Co. at or near Indianapolis, IN to Appalachia, VA and Somerset, KY; and (5) *foodstuffs, cleaning, scouring and washing compounds, methanol solidified, paper articles, plastic articles, scourers, toothpicks, chef hats, and straws*, from Greensboro, NC to Appalachia, VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Somerset Foods, Box 799, Somerset, KY 42501, Quality Supply Inc., Box 189, Appalachia, VA and John Sexton & Co., P.O. Box JS, Chicago, IL 60690.

MC 128371 (Sub-2-1TA), filed February 11, 1980. Applicant: BELLEVUE AGGREGATE HAULERS, INC., 9410 Airport Hwy., Box 296, Holland, OH 43528. Representative: Kevin R. Reichley, 50 W. Broad St., Columbus, OH 43215. *Such commodities as are dealt in or used by manufacturers of metal containers, in dump vehicles*, between the facilities of American Can Co. at or near Whitehouse, OH, on the one hand, and, on the other, East Chicago and Gary, IN and Weirton, WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Can Co., American Lane, Greenwich, CT 06830.

MC 123744 (Sub-2-1TA), filed February 11, 1980. Applicant: BUTLER TRUCKING COMPANY, P.O. Box 88, Woodland, PA 16881. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. *Refractories*, from Wellsville, OH, and points in its commercial zone to ports of entry on the international boundary line between the US and Canada, at or near Buffalo, NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Swank Refractories Co., 400 Rouser Rd., Coraopolis Heights, PA; Empire Wholesale Lumber Co., Miami & Gault Sts., P.O. Box 249, Akron, OH 44309;

Globe Refractories, Inc., Drawer D, Newell, WV 26050.

MC 110659 (Sub-2-1TA), filed February 11, 1980. Applicant: COMMERCIAL CARRIERS, INC., 975 Virginia St. West, Charleston, WV 25302. Representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, WV 25526. (1) *Beer and malt beverages* from Columbus, OH to points in Greenbrier County, WV; and (2) *used empty containers* from points in Greenbrier County, WV to Columbus, OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Donald R. Runyon, President, Runyon Distributing, Inc., U.S. 219, Fairlee, Lewisburg, WV 24902.

MC 79550 (Sub-2-1TA), filed February 11, 1980. Applicant: ERSKINE TRUCKING, INC., 6210 Center Rd., Lowellville, OH 44436. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. *Reinforced concrete pipe* from the facilities of Price Brothers Co. at or near Dayton, OH to points in Allegheny and Washington Counties, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Erskine Contracting Corp., 8231 Pittsburgh Rd., Poland, OH 44514.

MC 150040 (Sub-2-1TA), filed February 11, 1980. Applicant: AUTUMN INDUSTRIES INC., Route 2, Southington, OH 44470. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. *Scrap metals*, in dump vehicles, between Akron, Cleveland, Fairport Harbor, Niles, Warren and Youngstown, OH, on the one hand, and, on the other, points in IN, MI, NY and PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Anndale Scrap Co., P.O. Box 1148, Akron, OH 44309; Dartron Corp. P.O.B. 1023, Fairport Harbor, OH 44077; Ohio Scrap Co., 326 Main Southwest, Warren, OH 44482; Warren Scrap Co., 641 Griswold, Warren, OH 44482; The Wilkoff Co., 1609 Wilson Ave., Campbell, OH 44405.

MC 138000 (Sub-II-1TA), filed February 22, 1980. Applicant: ARTHUR H. FULTON, INC., P.O. Box 86, Stephens City, VA 22655. Representative: Dixie C. Newhouse, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. *Paints, stains and varnishes, materials and supplies used in the manufacture thereof, except commodities in bulk*, Between Chicago, IL, Baltimore, MD and Atlanta, GA and their respective commercial zones, on the one hand, and, on the other, points in the United States, in and east of MN, IA, MO, AR and LA. An underlying ETA seeks 90 days authority. Supporting shipper(s):

Coatings Division, Dutch Boy, Inc., 2325 Hollands Ferry Road, Baltimore, MD 21230.

MC 143924 (Sub-II-1TA), filed February 21, 1980. Applicant: GENE C. FUGATE, d.b.a. FUGATE TRUCKING, P.O. Box 14, Danville, VA 24541. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. *Glass containers and pallets*, between points in Henry County, VA, on the one hand, and, on the other, points in Rockingham County, NC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Midland Glass Co., Inc., P.O. Box 5577, Cliffwood, NJ 07721.

MC 115703 (Sub-21TA), filed October 4, 1979, originally published in *Federal Register* of January 28, 1980. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 375, 220 Park Rd. N., Wyomissing, PA 19610. Representative: Robert D. Gunderman, 710 Statler Bldg., Buffalo, NY 14202. (1) *Fiberglass shelters, the transportation of which, because of size or weight, requires the use of special equipment and (2) related parts and accessories* between the facilities of Virginia Fiberglass Products, Inc., at or near Roanoke, VA on the one hand and, on the other, points in CA, KS, NE, NV, TN, VA, UT, and MD, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Virginia Fiberglass Products, Inc., P.O. Box 1330, Roanoke, VA 24007. The purpose of this re-publication is to show the origin and destination points as were previously omitted in the first publication.

MC 123744 (Sub-78TA), filed December 14, 1979, originally published in *Federal Register* of February 25, 1980. Applicant: BUTLER TRUCKING CO., P.O. Box 88, Woodland, PA 16881. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. *Materials and supplies used in the mining or land reclamation industries, machine parts and feed (except commodities in bulk)* from points in and east of ND, SD, NE, KS, OK, and TX to points in Clearfield, Indiana, Centre, Cambria, Clinton, Clarion, Elk, Blair, and Jefferson Counties, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): K & J Coal Co., Inc., P.O. Box 189, Westover, PA 16692; Mitchell Milling Co., Leavy Ave., Clearfield, PA 16830. The purpose of this re-publication is to show Indiana as a county in PA and not as a destination state as was originally published.

MC 2202 (Sub-626TA), filed December 17, 1979, originally published in *Federal Register* of February 19, 1980. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, OH 44309.

Representative: Wm. O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, D.C. 20014. Common carrier; regular route: *General commodities (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)* serving Tom's River, NJ and points in its commercial zone as an off-route point in connection with applicant's regular routes. Applicant intends to tack authority sought herein with authority held under MC 2202 and all Subs thereto and will affect all points served. Applicant intends to interline at all points of interchange, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Outdoor Sports Headquarters, Inc., 2290 Arbor Blvd., Dayton, OH 45439. The purpose of this re-publication is to reflect the tacking and interlining statements previously omitted in the first publication.

MC 119670 (Sub-II-1TA), filed December 31, 1979. Applicant: THE VICTOR TRANSIT CORPORATION, 5250 Este Ave., Cincinnati, OH 45232. Representative: Wm. R. Dally (same address as applicant). *Commodities dealt in or used by manufacturers of paper and paper articles (except commodities in bulk or waste paper)* between points in IL, IN, KY, MI, MO, OH, PA, VA, WV, and WI, provided that the authority herein authorized to the extent it duplicates any heretofore granted to applicant shall not be construed as conferring more than one operating rights, for 180 days. Supporting shipper(s): Inland Container Corp., 151 N. Delaware St., Indianapolis, IN 46206; Alton Box Board Co., 401 Alton St., Alton, IL 62002.

MC 48302 (Sub-II-1TA), filed December 6, 1979. Applicant: TONY TERAMANA, P.O. Box 850, Steubenville, OH 43701. Representative: Jerry B. Sellman, 50 W. Broad, Columbus, OH 43215. *Coal*, from Jefferson County, OH to Beaver County, PA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Schiappa Coal Co., Inc., P.O. Box 728, Steubenville, OH 43952.

MC 5470 (Sub-II-2TA), filed January 17, 1980. Applicant: TAJON, INC., R.D. 5, Mercer, PA 16137. Representative: Ronald E. Chutz (same address as applicant). *Sponge iron*, in dump vehicles, from Georgetown, SC to points in the United States, for 180 days. Supporting shipper(s): Georgetown Ferreduction, 1201 Front St., Georgetown, SC 29440.

MC 5470 (Sub-II-1TA), filed January 10, 1980. Applicant: TAJON, INC., R.D. 5

Mercer, PA 16137. Representative: Mary Chutz-Eshenbaugh (same address as applicant). *Crude clay*, in bulk, from Albany, NY to Aspers, PA, for 180 days. Supporting shipper(s): Hammill & Gillespie, Inc., 78 Elmwood Dr., Livingston, NJ 07039.

MC 5470 (Sub-II-3TA), filed January 17, 1980. Applicant: TAJON, INC., R.D. 5 Mercer, PA 16137. Representative: Mary Chutz-Eshenbaugh (same address as applicant). *Coal*, in dump vehicles, from Armstrong, Clarion and Jefferson Counties, PA to Ogdensburg, NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kittanning Freeport Coal Co., P.O. Box 460, Brookville, PA 15825.

MC 135234 (Sub-II-1TA), filed December 20, 1979. Applicant: TRENCO, INC., P.O. Box 697, Williamsport, PA 17701. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Bldg., Washington, DC 20001. Contract carrier-irregular routes: *Electric cable and aluminum articles*, from the facilities of Alcan Aluminum Corporation, at or near Sedalia, MO, to points in and east of WI, IL, KY, TN, and MS, for 180 days. An underlying ETA seeks 30 days authority. Supporting shipper(s): Alcan Aluminum Corp., P.O. Box 6977, Cleveland, OH 44101.

MC 10115 (Sub-II-1TA), filed January 14, 1980. Applicant: C. D. ZIMMERMAN, INC., R.D. 3, Mifflintown, PA 17059. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108. *Clay and refractory products and materials and supplies used in the manufacture, installation and processing of clay and refractory products* between the facilities of General Refractories Co. at or near Warren, OH, on the one hand, and, on the other, points in CT, MD, NJ, NY, PA, VA, and WV and between the facilities of General Refractories Co. at or near Baltimore, MD, on the one hand, and, on the other, points in NY, OH, VA, PA, and WV, for 180 days. Supporting shipper(s): General Refractories Co., 50 Monument Rd., Bala Cynwyd, PA 19004.

MC 8958 (Sub-II-3TA), filed January 11, 1980. Applicant: YOUNGSTOWN CARTAGE COMPANY, P.O. Box 119, 825 West Federal St., Youngstown, OH 44501. Representative: Philip J. Cianciolo (same address as applicant). *Iron and steel articles viz wire rods and coils*, from the facilities of Raritan River Steel Company in Perth Amboy, NJ on the one hand to points in FL, GA, IL, IN, KY, MD (West of Route 15), MI, WV, NC, PA (West of Route 15), SC, TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Raritan River Steel Company, P.O. Box 309, Perth Amboy, NJ 08862.

MC 21866 (Sub-II-4TA), filed January 10, 1980. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Alan Kahn, Esq., 1920 Two Penn Center Plaza, Philadelphia, PA 19102. *Food and food products*, between the facilities of Bachman Foods, Inc. located in (1) Reading, PA, and (2) Terre Haute, IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bachman Foods, Inc., P.O. Box 898, Reading, PA 19603.

MC 21866 (Sub-II-3TA), filed January 10, 1980. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Alan Kahn, Esq., 1920 Two Penn Center Plaza, Philadelphia, PA 19102. *Plastic containers*, from the facilities of Woodstream Corporation in Lititz, PA to Cleveland, OH, for 180 days. An underlying ETA seeks 90 days extension. Supporting shipper(s): Woodstream Corp., Lititz, PA 17543.

MC 9914 (Sub-II-1TA), filed January 15, 1980. Applicant: WARREN TRUCKING COMPANY, INC., P.O. Box 5224, Martinsville, VA 24112. Representative: Richard L. Hollow, P.O. Box 550, Knoxville, TN 37901. *New furniture*, from points in Henry and Smyth Counties, VA to points in KY and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Furniture Company Martinsville, VA 24112.

MC 144986 (Sub-II-1TA), filed December 28, 1979. Applicant: STAHLER TRUCKING & LEASING, INC., 208 E. Harrison St., Wapakoneta, OH 45895. Representative: John L. Alden, 1396 W. 5 Ave., Columbus, OH 43212. Contract carrier, irregular routes: *Foodstuffs, except in bulk*, between the facilities of Lancaster Colony Corporation and its subsidiaries and divisions T. Marzetti Co., New York Frozen Foods, Inc., and Quality Bakery Co., Inc., at or near Bedford Hts. and Columbus, OH, on the one hand, and, on the other, points in AL, CA, CT, DE, FL, GA, IL, IN, IA, KS, KY, MD, MA, MI, MN, MO, NE, NJ, NY, NC, OH, OK, OR, PA, RI, SC, TN, TX, VA, WA, WV, and WI, for 180 days, under continuing contract(s) with Lancaster Colony Corp. and its owned subsidiaries. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lancaster Colony Corp., 37 W. Broad St., Columbus, OH 43215.

MC 61825 (Sub-II-3TA), filed January 18, 1980. Applicant: ROY STONE TRANSFER CORPORATION, V. C. Dr., P.O. Box 385, Collinsville, VA 24078. Representative: John D. Stone (same address as applicant). (1) *Salt and salt*

products, in containers, (2) pepper, in containers, in mixed loads with salt in containers, and (3) materials and supplies used in the agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries, in mixed loads with salt in containers, from (1) Jefferson Island and Weeks, LA to points in AL, FL, GA, KY, MS, NC, SC, and TN and from (2) Watkins Glen, NY to points in VA located north and east of a line beginning at the WV-VA state line and extending along U.S. Hwy 60 to junction U.S. Hwy 15, and then along U.S. Hwy. 15 to the VA-NC State line, for 180 days. Supporting shipper(s): Diamond Crystal Salt Co., 916 S. Riverside Ave., St. Clair, MI 48079; Cargill, Inc./Salt Division, 518 E. Fourth St., Watkins Glen, NY 14891; Morton Salt, Division of Morton-Norwich Products Inc., 110 North Wacker Drive, Chicago, IL 60606.

MC 148831 (Sub-II-1TA), filed January 7, 1980. Applicant: STUMPS REFRIGERATED EXPRESS, INC., R.D. #1, Tiro, OH 44887. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. (1) *meats, meat products and meat byproducts as described in Section A of Appendix I to the Report in Descriptions in Motor Carrier Certificate 61 MCC 209 and 272 and (2) materials, equipment and supplies (except in bulk) used in the processing and distribution of the commodities in (1) above*, between facilities of Honey Creek Provisions Co. at or near Nevada, OH, on the one hand, and, on the other, points in CT, DE, IA, IL, IN, KY, MD, MA, MI, MN, NJ, NY, PA, RI, TN, VA, WV, WI, and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Honey Creek Provisions, Co., 17739 S.H. 231, P.O. Box 7, Nevada, OH 44849.

MC 61825 (Sub-II-2TA), filed January 28, 1980. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, VA 24078. Representative: John D. Stone (same address as applicant). *Glass containers and container accessories* from Shakopee, MN to Eden, NC and Martinsville, VA, for 180 days. Supporting shipper(s): Midland Glass Co., Inc., P.O. Box 557, Cliffwood, NJ 07721.

MC 144986 (Sub-II-2TA), filed December 28, 1979. Applicant: STAHLER TRUCKING & LEASING, INC., 208 E. Harrison St., Wapakoneta, OH 45895. Representative: John Alden, 1396 W. 5th Ave., Columbus, OH 43212. Contract carrier, irregular routes: *Plastic and rubber articles, candles, printed forms and cartons, aluminum kitchenware, pottery, gloves, television and cathode ray tubes, glass lenses, and*

glassware, except commodities in bulk, between the facilities of Lancaster Colony Corporation and its subsidiaries and divisions, Barr, Inc., Candlelite, Inc., Colony Printing & Labeling, Inc., Enterprise Aluminum Co., Indiana Glass Company, Jackson Corporation, Koneta Rubber Co., American Mat Corporation, Lancaster Glass Co., National Glove, Inc., The Nelson McCoy Pottery Co., and Pretty Products Co., at or near Eaton and Dunkirk, IN, Sandusky, Leesburg, Massillon, Jackson, Wapakoneta, Lancaster, Mt. Sterling, Roseville and Coshocton, OH, on the one hand, and, on the other, points in AL, CA, CT, DE, FL, GA, IL, IN, IA, KS, KY, MD, MA, MI, MN, MO, NE, NJ, NY, NC, OH, OK, OR, PA, RI, SC, TN, TX, VA, WA, WV, and WI, under continuing contract(s) with Lancaster Colony Corporation and its owned subsidiaries, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lancaster Colony Corporation, 37 W. Broad St., Columbus, OH 43215.

MC 1824 (Sub-II-3TA), filed January 14, 1980. Applicant: PRESTON TRUCKING CO., INC., 151 Easton Blvd., Preston, MD 21655. Representative: Thomas M. Auchincloss, Jr., 700 World Center Bldg., Washington, DC 20006. Common carrier, regular routes: *General commodities*, except those of unusual value, classes A & B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plantsite and/or warehouse facility of SKF Industries at Altoona, PA, as an off-route point in conjunction with applicant's presently authorized regular route between Baltimore, MD and Pittsburgh, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): SKF Industries, Inc., 1100 First Ave., King of Prussia, PA; SKF Warehouses, Inc., P.O. Box 4191, Austintown, OH 44515.

Note.—Application intends to tack authority sought herein with authority held under MC 1824 and related subs thereunder. Applicant intends to interline traffic with present connecting carriers at authorized points as provided in tariffs now on file with the Commission.

MC 145022 (Sub-II-1TA), filed November 1, 1979. Applicant: MARSH BROTHERS TRUCKING SERVICE, INC., 1811 Howell Ave., Dayton, OH 45407. Representative: Jerry B. Sellman, 50 W. Broad, Columbus, OH 43215. *Coal* from Jackson, KY to Sandusky, OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): General Motors Corp., 30007 Van Dyke Ave., Warren, MI 48090.

MC 3104 (Sub-II-1TA), filed January 30, 1980. Applicant: Z & M MOTOR LINE, INC., P.O. Box 2345, Cumberland, MD 21502. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740.

Equipment, machinery and supplies as are used and dealt in by a manufacturer of rubber products (1) between Cumberland, MD and its commercial zone on the one hand, and, on the other, points in IL, IN, KY, MI and OH; (2) from Freeport, IL and its commercial zone on the one hand, and, on the other, points in IL, IN, MD, MI, NY, OH, PA, WV, VA and DC; (3) between Mascenedonia, OH and its commercial zone and points in MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Kelly Springfield Tire Co., Kelly Rd., Cumberland, MD 21502.

MC 108589 (Sub-2-2TA), filed January 18, 1980. Applicant: EAGLE EXPRESS CO., P.O. Box 12047, Lexington, KY 40580. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215. Common carrier, regular routes: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Russell Springs, KY and Nashville, TN and its commercial zone, serving no intermediate points, from Russell Springs over Cumberland Pkwy to junction I-65, thence over I-65 to Nashville, TN and return over the same route, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 19 supporting shippers. Statements can be examined at the Philadelphia ICC office.

MC 143522 (Sub-2-2TA), filed December 26, 1979. Applicant: CONSOLIDATED CARRIERS, INC., 121 Sunrise Dr., Irwin, PA 15642. Representative: Patrick E. Quinn, 1718 Estrellita Circle, Chattanooga, TN 37412. *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those which because of size or weight require the use of special equipment), from facilities of Empire State Shippers Association at Buffalo, NY to points in KY, VA, TN, NC, SC, MS, AL, GA, FL, LA, AR, MO, IL, IA, WI, MN, ND, SD, NE, KS, OK, TX, MT, WY, CO, NM, UT, and ID, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Empire State Shippers Association, 360 Dingsen St., Buffalo, NY.

MC 110659 (Sub-2-2TA), filed December 5, 1979. Applicant: COMMERCIAL CARRIERS, INC., 975

Virginia St., W. Charleston, WV 25302. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. *Beer and malt beverages and used empty containers on return from the warehouse facilities of the Stroh Brewing Company, Wood County, OH to points in WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Stroh Brewery Co., One Stroh Dr., Detroit, MI 48226; Central Dist. Co., 108 4th Ave., Huntington, WV; Central Dist. Co., 905 7th Ave., Charleston, WV 25302.*

MC 102616 (Sub-2-2TA), filed January 9, 1980. Applicant: COASTAL TANK LINES, INC., 250 North Cleveland-Massillon Rd., Akron, OH 44313. Representative: W. M. Kiefaber (same address as applicant). *Crude oil, in bulk, in tank vehicles, from points in KY to Princeton, IN, for 180 days. Supporting shipper(s): Bigheart Tri-States Corp., P.O. Box 153, Mt. Carmel, IL 62863.*

MC 102616 (Sub-2-1TA), filed January 16, 1980. Applicant: COASTAL TANK LINES, INC., 250 North Cleveland-Massillon Rd., Akron, OH 44313. Representative: Wendell M. Kiefaber (same address as applicant). *Crude light oil, in bulk, in tank vehicles, from Vigo County, IN to Chicago, IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Union Oil Company of California; 1650 E. Golf Road, Schaumburg, IL 60196.*

MC 110525 (Sub-2-1TA), filed January 28, 1980. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Representative: Thomas J. O'Brien, 520 East Lancaster Ave., Downingtown, PA 19335. *Animal fatty acids, inedible, vegetable fatty acids, inedible, fatty acid esters of animal or vegetable oils and glycerin, in bulk, in tank vehicles, from the facilities of Emery Industries, Cincinnati, OH to points in TN, for 180 days. An underlying ETA seeks 25 days authority. Supporting shipper(s): Emery Industries, Inc., 1300 Carew Tower, Cincinnati, OH 45202.*

MC 143267 (Sub-2-1TA), filed January 7, 1980. Applicant: CARLTON ENTERPRISES, INC., P.O. Box 520, Mantua, OH 44255. Representative: Neal A. Jackson, 1156 15th St., NW.; Washington, DC 20005. *Iron and steel articles, between the facilities of LaBarge, Inc. at or near Bellevue, OH; Wagoner, OK; St. Louis, MO; Memphis, TN and Houston, TX, on the one hand, and, on the other, points in the US in and east of MN, IA, MO, OK and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): La*

Barge, Inc., Tubular Division, 20 S. Fourth St., St. Louis, MO 63102.

MC 109533 (Sub-2-4), filed March 12, 1980. Applicant: OVERNITE TRANSPORTATION CO., 1000 Semmes Ave., Richmond, Virginia 23224. Representative: Eugene T. Liipfert, suite 1000, 1660 L St., N.W., Washington, D.C. 20036. *Common; regular and irregular: General Commodities (except those of unusual value, class A and B explosives, Household goods as defined by the Commission, commodities in bulk and those requiring special equipment)* (1) Between Lynchburg, Va. and Washington, D.C. over U.S. Hwy 29 serving all intermediate points. (2) Between Lynchburg, Va. and Lexington, Va. serving all intermediate points; from Lynchburg, over U.S. Hwy 501 to jct. U.S. Hwy 60 then over U.S. Hwy 60 to Lexington and return over same route. (3) Between Norfolk, Va. and Richmond, Va. over U.S. Hwy 60 serving the intermediate points of Lightfoot and Williamsburg, Va. (4) Between Richmond, Va. and Staunton, Va. over U.S. Hwy 250 serving all intermediate points. (5) Between Portsmouth, Va. and Petersburg, Va. over U.S. Hwy 460 serving no intermediate points. (6) Between Fredericksburg, Va. and Winchester, VA over U.S. Hwy 17 serving all intermediate points. (7) Between Lexington, VA and Harrisburg, PA serving all intermediate points; from Lexington over U.S. Hwy 11 to jct. of Harrisburg Expressway then over Harrisburg Expressway to jct. Interstate Hwy 83 then over Interstate Hwy 83 to Harrisburg and return over same route. (8) Between jct. U.S. Hwy 29 and U.S. Hwy 50 and jct. U.S. Hwy 17 and U.S. Hwy 50 over U.S. Hwy 50 serving all intermediate points. (9) Between Winchester, VA and Alexandria, Va. over Va Hwy 7 serving all intermediate points. (10) Between Frederick, Md. and jct. U.S. Hwy 15 and U.S. Hwy 29 over U.S. Hwy 15, serving all intermediate points. (11) Between Winchester, Va. and New Creek, W. Va. over U.S. Hwy 50 serving all intermediate points. (12) Between Staunton, Va. and Huttonsville, W.V. over U.S. Hwy 250 serving all intermediate points. (13) Serving the following points as off-route points in connection with carrier's regular route operations: Points in Franklin Cy, Pa., Bedford (Bedford Cy), Fairfield (Adams Cy) and Pleasantville (Bedford Cy), Pa., Smithfield and West Point, Va., points in Maryland on and east of the Frederick-Washington County line and on and west of a line starting at the Maryland-Pennsylvania state line at U.S. Hwy 15, then over U.S. Hwy 15 to jct. Md. Hwy 140 east of Emmitsburg, then about 2

miles over Md. Hwy 140 to jct. unnumbered Hwy, then south over unnumbered Hwy to jct. Md. Hwy 194 near Keymar, then over Md. Hwy 194 to Keymar the over Md. Hwy 77 to jct. Md. Hwy 550 east of Thurmont, then over Md. Hwy 550 to Woodsboro then over Md. Hwy 194 to Ceresville, then over Md. Hwy 26 to jct. Md. Hwy 355, then over Md. Hwy 355 to Little Seneca Creek (about 3 miles south of Clarksburg) then along Little Seneca Creek and Seneca Creek to the Potomac River and the Md.-Va. state line. Points in the following Va. counties: Albemarle, Alleghany, Amelia, Amherst, Appomattox, Augusta, Bedford, Botetourt, Buckingham, Campbell, Caroline, Chesterfield, Clarke, Culpeper, Cumberland, Fairfax, Fauquier, Fluvanna, Frederick, Giles, Goochland, Greene, Hanover, Henrico, King George, Loudoun, Louisa, Madison, Montgomery, Nelson, Nottoway, Orange, Page, Powhatan, Prince William, Rappahannock, Roanoke, Rockbridge, Rockingham, Shenandoah, Spotsylvania, Stafford and Warren. (14) Between Bluefield, Bristol, Lynchburg, Norfolk, Pulaski, Richmond and Roanoke, Va. and Greensboro and Norlina, N.C. on the one hand, and, on the other, points in Va. on and south of a line beginning at Norfolk, Va. and extending along U.S. Hwy 460 to Roanoke, Va. then along U.S. Hwy 11 to the Va.-Tn. state line, for 180 days. Applicant intends to tack authority sought herein with authority in MC 109533 and Subs 13, 14, 16, 22, 31, 60, 63 and 64. Applicant also intends to interline at Atlanta, GA; Baltimore, MD; Baton Rouge, LA; Chattanooga, TN; Chicago, IL; Cincinnati, OH; Houston, TX; Indianapolis, IN; Jacksonville, FL; Kansas City, MO; Knoxville, TN; Lexington, KY; Louisville, KY; Nashville, TN; New Orleans, LA; Richmond, VA; St. Louis, MO; Washington, PA. Supporting shippers: There are 104 supporting shippers. Their statements may be examined at the office listed below.

MC 150240 (Sub-2-1), filed March 7, 1980. Applicant: FREIGHT SALES, INC., 447 James Pkwy., P.O. Box 1176, Newark, OH 43055. Representative: James R. Stiverson, 1396 W. Fifth Ave., Columbus, OH 43212. *Contract; irregular: Petroleum and petroleum products*, between points in WV, PA on and south of Hwy. I-76 and on and west of Hwy. I-70, and OH on and south of Hwy. I-76 and on and east of I-71 for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): River Oil Co., P.O. Box 513, Marietta, OH 45750.

MC 94265 (Sub-2-4), filed March 10, 1980. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Rt. 460 W, Windsor, VA 23487. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. *Unfrozen bakery goods* from the facilities of Interbake Foods, Inc. at Richmond, VA to points in Springdale, Jonesboro, Fayetteville, and Little Rock, AR; Midland, Paris, and McAllen, TX; Detroit, Battle Creek, Kalamazoo, Lansing and Grand Rapids, MI; Des Moines, Sioux City, Council Bluffs, and Marshalltown, IA; Minot, Bismark, and Grand Forks, ND; Huron and North Sioux City, SD; Ogallala, Lincoln, and Omaha, NE; and points in their commercial zones for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Interbake Foods, Inc., P.O. Box 27487, Richmond, VA 23261.

MC 115703 (Sub-2-2), filed March 7, 1980. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 275, 220 Park Rd., North Wyomissing, PA 19610. Representative: Robert D. Gunderman, 710 Statler Bldg., Buffalo, NY 14202. *Furnace electrodes, and carbon refractory materials fire brick shape* from St. Marys, PA to points in AL, AZ, AR, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NV, NY, NC, OH, OK, SC, TN, TX, VA, WA, and WV for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Aircor Speer Corporation—Graphite, 4861 Packard Rd., Niagara Falls, NY 14302.

MC 1824 (Sub-2-4), filed March 7, 1980. Applicant: PRESTON TRUCKING CO., INC., 151 Easton Blvd., Preston, MD 21655. Representative: Charles S. Perry (same address as applicant). *Foodstuffs* from Buffalo, NY to points in the states of CT, IL, IN, KY, ME, MD, MA, MI, NH, OH, RI, VT, WV, and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): U.S. Sugar Co., 54 Fulton St., Buffalo, NY 14204.

MC 147538 (Sub-2-1), filed March 13, 1980. Applicant: PARAMOUNT DELIVERY, INC., 4252 Rising Sun Ave., Philadelphia, PA 19140. Representative: Elliott Tolan, 42 S. 15th St., Robinson Bldg., Philadelphia, PA 19102 *Contract; irregular: Furniture, appliances and other related items* between Philadelphia and its commercial zone on the one hand, and, on the other points in the states of PA, NJ, DE, MD, VA, NY, and DC for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): F. W. Woolworth Co., 162 E. Chelton Ave., Philadelphia, PA.

MC 110563 (Sub-2-2), filed March 14, 1980. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Sidney,

OH 45365. Representative: Victor J. Tambascia (same as applicant). *Foodstuffs*, except in bulk, from St. Louis, MO to all points in the U.S. (except AK and HI) for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): J & R Custom Foods, 27 Produce Row, St. Louis, MO 63102; Merchants Refrigerating Co., 8501 Page Blvd., Vinita Park, St. Louis, MO; Slimmery, 1889 Craig Rd., Box 28742, Creve Coeur, MO 63141.

MC 113828 (Sub-2-5), filed February 27, 1980. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, DC 20014. Representative: William P. Sullivan, 1320 Fenwick Lane, Silver Spring, MD 20910. *Salt cake*, from Delaware City, DE to points in VA, ME, SC, NC, NY, NH, and PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Ashland Chemical, P.O. Box 2219, Columbus, OH 43216.

MC 107403 (Sub-2-2TA), filed March 13, 1980. Applicant: MATLACK INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as applicant). *Salt cake, in bulk, in tank vehicles*, from Weeks, LA to Mulford, TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Morton Chemical Company, Div. of Morton-Norwich, Products Co., 2 N. Riverside Plaza, Chicago, IL 60606.

MC 107403 (Sub-2-9TA), filed March 5, 1980. Applicant: MATLACK INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as applicant). *Hexamethylene Diamine, in bulk, in tank vehicles*, from Orange and Victoria, TX to Chattanooga, TN; Camden, SC; Seaford, DE; and Martinsville, Waynesboro and Richmond, VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): E. I. du Pont de Nemours & Co., Inc., 1007 Market St., Wilmington, DE 19898.

MC 61977 (Sub-2-1TA), filed March 13, 1980. Applicant: ZERKLE TRUCKING CO., 2400 Eight Avenue, Huntington, WV 25703. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. *Glass containers and closures for glass containers* from Joliet, IL; Coventry, RI and Vienna, WV to points in the U.S. in and east of the States of ND, SD, NB, KS, OK and TN for 180 days. Supporting shipper(s): Richard D. Moreland, Manager of Distribution, National Bottle Company, 1 Bala Cynwyd Plaza, Bala Cynwyd, PA 19004.

MC 119531 (Sub-2-1), filed March 13, 1980. Applicant: SUN EXPRESS, INC., P.O. Box 1031, Warren, OH 44482.

Representative: Andrew Jay Burkholder, 275 E. State St., Columbus, OH 43215. *Fertilizer in containers* from Lexington, KY to points in MO, IL, MN, WI, IN, MI, MD, PA, NJ, and NY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): International Spike, Inc., 817 E. Third St., Lexington, KY 40593.

MC 102616 (Sub-2-5), filed March 13, 1980. Applicant: COASTAL TANK LINES, INC., 250 N. Cleveland-Massillon Rd., Akron, OH 44313. Representative: David F. McAllister (same as applicant). *Petroleum and petroleum products, in bulk, in tank vehicles*, from Niles, OH to Clarion County, PA for 180 days. Supporting shipper(s): Boron Oil Co., Div. of Subsidiary of Standard Oil Company of Ohio, 313 Midland Bldg., Cleveland, OH 44115.

MC 52861 (Sub-2-1), filed March 13, 1980. Applicant: WILLS TRUCKING, INC., 3185 Columbia Rd., Richfield, OH 44286. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. *Iron and steel, iron and steel articles, and equipment, materials and supplies used in the manufacture of iron and steel and iron and steel articles* between Monroe, MI, on the one hand, and, on the other, points in OH, PA, IN, IL, KY, NY, WV, and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): North Star Steel Co., 2901 Metro Dr., Minneapolis, MN 55420.

MC 124111 (Sub-2-2TA), filed March 14, 1980. Applicant: OHIO EASTERN EXPRESS, INC., 300 West Perkins Ave., Sandusky, OH 44870. Representative: David A. Turano, 100 East Broad St., Columbus, OH 43215. (1) *food stuffs, and (2) materials, equipment and supplies used in the processing and distribution of the commodities in (1) above (except commodities in bulk)* between Sandusky, Toledo, Columbus and Cleveland, OH and Caryville and Knoxville, TN, on the one hand, and, on the other, pts. in the U.S. (except AK and HI), for 180 days. Restricted to traffic originating at or destined to the facilities of Chef's Pantry, Inc. Supporting shipper: Chef's Pantry, Inc., 1031 Pierce St., Sandusky, OH 44870.

MC 135364 (Sub-II-2TA), filed March 5, 1980. Applicant: MORWALL TRUCKING, INC., R.D. No. 3, Box 76C, Moscow, PA 18444. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Contract carrier, irregular routes, *unfinished synthetic piece goods*, from Sylvester, GA; Blacksburg, SC and Gastonia, NC to Easton and Bangor, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Blue Ridge-Winkler Textiles Div. of Lehigh Valley Industries, Inc., Forks

Industrial Park, 3700 Glover Rd., Easton, PA 18042.

MC 150123 (Sub-II-1TA), filed February 19, 1980. Applicant: AIRPORT SPECIAL DELIVERY, INC., 15411 Chatfield Ave., Cleveland, OH 44111. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. *Such commodities as are dealt in or used by manufacturers of automobiles and trucks and automobile and truck parts, (except automobiles and trucks and commodities in bulk);* between points in the State of OH and Cleveland, OH; and between points in the State of OH and the facilities of American Motors Corp., located at or near Southbend, IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Motors Corp., Southbend, IN.

MC 142559 (Sub-2-3TA), filed January 14, 1980. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Ave., Cleveland, OH 44114. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215. (1) *Household and kitchen appliances and accessories, (2) audio electric products and accessories, (3) personal care appliances, and (4) materials and supplies used in the manufacture, sale and distribution of (1), (2), and (3) (except commodities in bulk)* between Ontario, CA, Brockport, NY, Asheboro, NC, Allentown, PA, and Seattle, WA, on the one hand, and, on the other, points in the U.S. (except AK and HI), for 180 days. Supporting shipper(s): General Electric Co., 1285 Boston Ave., Bridgeport, CT 06602.

MC 142559 (Sub-2-6TA), filed January 7, 1980. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Avenue, Cleveland, OH 44114. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215. (1) *Commercial, household and institutional appliances; and (2) material, equipment and supplies used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between points in the US (except AK and HI), restricted to shipments originating at or destined to the facilities of Speed Queen Company, for 180 days. Supporting shipper(s): Speed Queen Company, Doty Street, Ripon, WI 54971.*

MC 123744 (Sub-2-3TA), filed December 17, 1979. Applicant: BUTLER TRUCKING COMPANY, P.O. Box 88, Woodland, PA 18881. Representative: Dwight L. Koerber, Jr., 666 Eleventh St., NW., Washington, DC 20001. *Scrap metal*, from points in PA on and west of US Hwy 15 to Buffalo, NY and Hagerstown, MD, for 180 days. An underlying ETA seeks 90 days authority.

Supporting shipper(s): N and T Auto Salvage, Inc., P.O. Box 445, Philipsburg, PA 16866.

MC 149259 (Sub-2-1TA), filed February 19, 1980. Applicant: RON BIGLER, INC., 610 Fair Ave., NW., New Philadelphia, OH 44663. Representative: Robert W. Gardier, Jr., 100 E. Broad St., Columbus, OH 43215. Contract carriage-irregular routes: (1) *Store equipment, store fixtures and component parts thereof; (2) materials and supplies used in outfitting retail stores and office furniture and fixtures when being transported in a mixed load with articles in (1) above*, between points in the US under a continuing contract or contracts with Top Value Enterprises, Inc., restricted to shipments originating at and destined to facilities of Top Value Enterprises, Inc. Supporting shipper(s): Top Value Enterprises, Inc., 3085 Woodman Dr., Kettering, OH 45420.

MC 124333 (Sub-2-1TA), filed January 10, 1980. Applicant: BAKER PETROLEUM TRANSPORTATION CO., INC., Pyles Lane, New Castle, DE 19720. Representative: Samuel W. Earnshaw, 833 Washington Bldg., Washington, DC 20005. Contract carrier-irregular routes: *Petroleum and petroleum products, in bulk, in tank vehicles*, from Pennsauken, NJ to Dover, DE, for the account of General Foods Corp., for 180 days. Supporting shipper(s): General Foods Corp., Dover Operations Box 1200, Dover, DE 19901.

MC 2368 (Sub-2-1TA), filed January 16, 1980. Applicant: BRALLEY-WILLETT TANK LINES, INC., P.O. Box 495, Richmond, VA 23204. Representative: William T. Marshburn (same address as applicant). *Inedible animal oils and greases and products and by-products of animal oils and greases in bulk*, in tank vehicles, from Rose Hill, NC and its commercial zone to Delmar, Frankfort, Millsboro and Seaford, DE and Bishop, Easton, Princess Anne and Snow Hill, MD and their commercial zones, for 180 days. Supporting shipper(s): By Products Inc., P.O. Box 7411, Wilmington, DE 19803.

MC 133405 (Sub-2-1TA), filed January 7, 1980. Applicant: BOWIE HALL TRUCKING, INC., P.O. Box 1470, LaPlata, MD 20646. Representative: Daniel B. Johnson, 4304 East-West Hwy., Washington, DC 20014. (1) *Malt beverages* from Detroit, MI; Trenton, NJ, Baltimore, MD; Pittsburgh, Latrobe, Allentown, and Philadelphia, PA to DC and its commercial zone; and from Allentown, PA to Baltimore, MD and DC and its commercial zone; (2) *wine* from Baltimore, MD to DC and its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting

shipper(s): Forman Distributing of Virginia, Inc., 700 S. Ball St., Alexandria, VA 22202; Potomac Dist. Co., Inc., 3434 Bladensburg Rd., Colmar Manor, MD; Winner Dist. Co., 7616 Canton Center Dr., Baltimore, MD 21224.

MC 117613 (Sub-2-1TA), filed December 3, 1979. Applicant: D. M. BOWMAN, INC., Route 2, Williamsport, MD 21740. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Leather and material, supplies and equipment used in the manufacture and distribution thereof* between facilities of Walter Kidde Corp., located at or near Williamsport, MD, Reading and Fleetwood, PA, on the one hand, and, on the other, points in and east of WI, IA, IL, KY, TN, and AL, for 180 days. Supporting shipper(s): Walter Kidde Corp., 215 Lexington Ave., New York, NY 10016.

MC 60014 (Sub-2-1TA), filed January 11, 1980. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 E. Broad, Columbus, OH 43215. *Iron and steel articles* from the facilities of Oceana Corporation at or near Darlington, SC to all points in and east of MN, WI, IL, KY, TN, MS, and LA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Oceana Corp., P.O. Box 273, Pawleys Island, SC.

MC 14883 (Sub-2-2TA), filed December 3, 1979. Applicant: PAUL E. ACE TRUCKING, INC., 930 Clay Ave., Stroudsburg, PA 18360. Representative: Joseph F. Hoary, 121 S. Main St., Taylor, PA 18517. Contract carrier, irregular routes: *Paperboard and pulpboard* from Delaware Water Gap, PA to points in MD, MA, NH, NJ, NY, DE, OH, VA, CT, RI, IL, IN, and DC, and such commodities as are used in the manufacture, distribution and sale of paperboard and pulpboard on return, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Packaging Corp. of America, 1603 Orrington Ave., Evanston, IL 60204.

MC 148522 (Sub-2-1TA), filed January 28, 1980. Applicant: PAUL E. ACE TRUCKING, INC., 930 Clay Avenue, Stroudsburg, PA 18360. Representative: Joseph F. Hoary, 121 S. Main St., Taylor, PA 18517. *Malt beverages*, in containers, from Winston Salem, NC to Union, NJ; Little Silver, NJ; Williamsport, Coatsville, State College, Lewistown & Lock Haven, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are (7) supporting shippers. Their statements may be examined at the office listed below and Headquarters.

MC 112304 (Sub-2-9TA), filed December 20, 1979. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock St., Cincinnati, OH 45223. Representative: John D. Herbert (same address as applicant). (1) *Iron and steel articles, and (2) equipment, materials and supplies (except in bulk)*, used in the manufacture and processing of iron and steel articles, (1) from the facilities of LaBarge, Inc., at St. Louis, MO; Bellevue, OH; Wagoner, OK; Memphis, TN; New Orleans, LA; and Houston, TX, to points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, and (2) in the reverse direction, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): LaBarge, Inc., 20 S. 4th St., St. Louis, MO.

MC 112304 (Sub-2-8TA), filed December 10, 1979. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock St., Cincinnati, OH 45223. Representative: John D. Herbert (same address as applicant). *Cast iron pipe, fittings and valves* from facilities of US Pipe & Foundry Co. at or near Bessemer and Birmingham, AL to Cincinnati, OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): US Pipe & Foundry Co., 3300 1st Ave., Birmingham, AL 35202.

MC 112304 (Sub-2-7TA), filed December 14, 1979. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock St., Cincinnati, OH 45223. Representative: John D. Herbert (same address as applicant). *Brick* from Stanton, KY to points in IL, IN, MI, MN, MO, OH, PA, WV, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sipple Brick, Inc., Box 567, State Route 213, Stanton, KY 40380.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, 411 West 7th Street, Suite 600, Fort Worth, TX 76102.

Republication

MC 120181 (Sub-5-1TA), filed February 12, 1980. Applicant: MAIN LINE HAULING CO., INC., P.O. Box C, St. Clair, MO 63077. Representative: Ralph Howard (address same as applicant). *Hats, caps, foodstuffs, feed containers, container closures, glassware, packaging products, container components and scrap materials and materials, equipment and supplies used in the manufacture, sale and distribution of the foregoing commodities* between AL, AR, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, NC, OH, OK, SC, TN, TX, VA, WV,

and WI for 180 days. Supporting shippers: 6.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 110325 (Sub-6-29TA), filed March 13, 1980. Applicant: TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009. Representative: Wentworth E. Griffin, Esq., Midland Building, 1221 Baltimore Avenue, Kansas City, MO 64105. *Common carrier, regular routes, general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving all points in Carrol, Kent, Queen Annes, Caroline, Talbot, Dorchester, Wicomico, and Somerset Counties, MD, as off-route points in connection with carrier's otherwise authorized regular route operation for 180 days.

Note.—Applicant proposes to tack the authority sought with its authority in MC 100325 and Subs thereto, and proposes to interline with other motor carriers. There are nine supporting shippers. The statements of support may be examined at the office listed below.

MC 114290 (Sub-6-1TA), filed March 12, 1980. Applicant: EXLEY EXPRESS, INC., 2610 SE. Eighth, Portland, Oregon 97202. Representative: Nick I Goyak and Peter H. Glade, 555 Benjamin Franklin Plaza, One Southwest Columbia, Portland, Oregon 97258. *Chemicals and plastic materials* (except in tank or hopper vehicles) from the facilities of Union Carbide Corporation at Torrance, CA, to points in OR and WA, for 180 days. Supporting shipper: Union Carbide Corporation, 1 California Street, San Francisco, CA 94111.

MC 119710 (Sub-6-1TA), filed March 11, 1980. Applicant: SHUPE BROS. CO., P.O. Box 929, Greeley, CO 80631. Representative: Richard C. McGinnis, 711 Washington Building, Washington, DC 20005. *Contract carrier, irregular routes: feed and feed ingredients* between Duncan, NE, on the one hand, and, on the other, IL, WI, MN, and MO, restricted to service performed under continuing contract with Farr Better Feed Division, W. R. Grace & Co., for 180 days. Supporting shipper: Farr Better Feed Division, W. R. Grace & Co., P.O. Box 52, Lucerne, CO. 80646.

MC 134387 (Sub-6-1TA), filed March 12, 1980. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Avenue, South Gate, California 90280. Representative: Patricia M. Schnegg, Knapp, Grossman & Marsh, 707 Wilshire Boulevard, Suite 1800, Los Angeles,

California 90017. *Aluminum can ends* from Alameda County, CA, to Adams, Arapahoe, Douglas and Jefferson Counties, CO., for 180 days. Supporting shipper: National Can Corporation, 1657 Rollins Road, Burlingame, California 94010.

MC 115092 (Sub-6-1TA), filed March 12, 1980. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box O, Vernal, Utah 84078. Representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, Illinois 60174. (1) *Building and construction materials (except in bulk)* and (2) *materials and supplies used in the manufacture and distribution of building and construction materials (except in bulk)* between the facilities of the Celotex Corporation at or near Tracy, CA, on the one hand, and, on the other, points in the United States in west of MN, IA, MO, AR and LA for 180 days. Supporting shipper, Jim Walter Corporation, 1500 N. Dale Mabry Hy., Tampa, FL 33607.

MC 110325 (Sub-6-30TA), filed March 13, 1980. Applicant: TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009. Representative: Wentworth E. Griffin, Esq., Midland Building, 1221 Baltimore Avenue, Kansas City, MO 64105. *Common carrier, regular routes, general commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving all points in Putnam, Jackson, Roane and Cabell Counties, WV, as off-route points in connection with carrier's otherwise authorized regular route operations for 180 days. NOTE:* Applicant proposes to tack the authority sought with its authority in MC-110325 and Subs thereto, and proposes to interline with other motor carriers. There are 11 supporting shippers. The statements of support may be examined at the office listed below.

MC 147041 (Sub-6-1TA), filed March 12, 1980. Applicant: P.T.C./N.D.S. FREIGHT SYSTEMS INC., 1051 So. Industrial Pkwy., Clearfield, UT 84015. Representative: William E. Bird (same as applicant). *General Commodities, except commodities in bulk or in tank vehicles, having a prior and/or subsequent movement by Rail TOFC; from, to or between Clearfield, UT; Ogden, UT and Salt Lake City, UT on the one hand and all points within Box Elder, Weber, Davis, Morgan, Salt Lake, Tooele, Wasatch and Utah Counties, UT on the other hand; for 180 days.* Supporting shipper(s): American Greeting Cards, 10500 American Rd., Cleveland, OH 44144; General Electric Co., 1051 So. Industrial Pkwy, Clearfield,

UT 84015; Clipper Express Co., 3401 W. Pershing Rd., Chicago, IL 60632.

MC 115826 (Sub-6-2TA), filed March 13, 1980. Applicant: W. J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. *General commodities (except Classes A and B explosives, commodities in bulk, commodities which because of size and weight require special equipment and household goods as defined by the Commission)* between points in the United States except AK and HI. Restriction: The above authority is restricted to the movement of traffic originating at and/or destined to the facilities utilized by W. W. Grainger, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: W. W. Grainger, Inc., 5959 West Howard Street, Chicago, Illinois 60648.

MC 52709 (Sub-6-3TA), filed March 13, 1980. Applicant: RINGSBY TRUCK LINES, INC., 3980 Quebec St., P.O. Box 7240, Denver, Co. 80207. Representative: Rick Barker (same as applicant). *Foodstuffs (except in bulk), from Tacoma, WA to Mt. Summit, IN, for 180 days.* An underlying ETA seeks 90 days authority. Supporting shipper: Nalleys Fine Foods, 3303 S. 35th St., Tacoma, WA 98411.

MC 147587 (Sub-6-1TA), filed March 13, 1980. Applicant: S & E TRUCKING, INC., 12202 Crewe St., North Hollywood, CA 91605. Representative: Milton W. Flack, 4311 Wilshire Blvd., No. 300, Los Angeles, CA 90010. *Contract Carrier: Irregular routes: (1) Grocery bags, paper sacks and roll paper, from the facilities of The St. Regis Paper Co., Consumer Products Division, located at Vernon, CA, to Phoenix, AZ; (2) Paper plates, from the facilities of The St. Regis Paper Co., Consumer Products Division, located at Phoenix, AZ, to the facilities of The St. Regis Paper Co., Consumer Products Division, located at San Jose and Vernon, CA, for the account of The St. Regis Paper Co., Consumer Products Division, of Vernon, CA, for 180 days.* An underlying ETA seeks 90 days authority. Supporting shipper: The St. Regis Paper Co., Consumer Products Division, 4530 Loma Vista Ave., Vernon, CA 90058.

MC 26396 (Sub-6-8TA), filed March 13, 1980. Applicant: THE WAGGONERS TRUCKING, P.O. Box 31357, Billings, Montana 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebraska 68501. (a) *Cane Pulp and Cellophane Fiber (except in bulk)* From Junction, TX to ports of entry on the International Boundary line between

the U.S. and Canada located in MT; (b) *Boric Acid (except in bulk)* From West End, CA to ports of entry on the International Boundary line between the U.S. and Canada located in MT; and (c) *Drilling Mud and Drilling Mud Additives (except in bulk)* From Gascoyne, ND to ports of entry on the International Boundary line between the U.S. and Canada located in MT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: United Mud Supply, Ltd., 4316 D 64th Avenue S.E., Calgary, Alberta T3C 2B3.

MC 116457 (Sub-6-1TA), filed March 14, 1980. Applicant: GENERAL TRANSPORTATION INC., 1804 S. 27th Avenue (P.O. Box 6484), Phoenix, Arizona 85005. Representative: D. Parker Crosby (same). (1) *Building and construction materials (except in bulk), and (2) materials and supplies in the manufacture and distribution of construction materials (except in bulk), between the facilities of the Celotex Corporation at or near Tracy, CA, on the one hand, and on the other, those points in the United States in and west of MN, IA, MO, AR and LA, for 180 days.*

MC 147807 (Sub-6-1TA), filed March 14, 1980. Applicant: TERESI TRUCKING INC., P.O. Box 819 (900½ Victor Road), Lodi, CA 95240. Representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, CA 94108. *Military equipment, and all support equipment and supplies necessary to test tank artillery.* Between Pomona, CA and the Fort Bliss Military Reservation, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: General Dynamics/Pomona Division, P.O. Box 2507, Pomona, CA 91766.

MC 5267 (Sub-6-1TA), filed March 14, 1980. Applicant: ATWOOD TRUCK LINE, INC., 9151 Welby Road, Thornton, CO 80229. Representative: Leslie R. Kehl, Jones, Meiklejohn, Kehl & Lyons, 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. *Fly ash; from Jefferson County, CO to Kimball County, NE.* For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Halliburton Services, P.O. Box 459, Brighton, CO.

MC 150293 (Sub-6-1TA), filed March 14, 1980. Applicant: CLARE L. BENDER, (an individual), 809 Flora, Prescott, AZ 86301. Representative: Andrew V. Baylor, 337 East Elm Street, Phoenix, Arizona 85012. *Alcoholic Beverages, including malt beverages, wines and spirits (except in bulk)* from Lost Angeles, Irwindale, Azusa, Ontario, San Francisco, San Jose, Madera, Sacramento, CA to Prescott, Parker, Holbrook and Flagstaff, AZ for 180 days.

Supporting shippers: George Fornora, President, Mile Hi Distributors, Inc., P.O. Box 272, Prescott, AZ 86302; Robert Preston, President, Yavapai Distributors, Inc., 730 Elrod Road, Prescott, AZ 86301.

MC 42487 (Sub-6-9TA), filed March 14, 1980. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, California 94025. Representative: V. R. Oldenburg, P.O. Box 3062 Portland, Oregon 97208. *Common carrier, regular routes: General commodities (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, and those requiring special equipment), (1) Serving Oconomowoc, WI as an intermediate point in connection with carrier's presently authorized regular route operations over WI Hwy 16, (formerly U.S. Hwy 16), (2) Between Waukesha, WI and Oconomowoc, WI, serving no intermediate points: From Waukesha over U.S. Hwy 18 to junction WI Hwy 67, then over WI Hwy 67 to Oconomowoc, and return over the same route, for 180 days. Supporting shipper(s): There were nine (9) shipper support statements filed with this application.*

Note.—Applicant intends to tack to its existing authority and any authority it may acquire in the future. The proposed authority will tack will present authority of Applicant at Waukesha, WI found in Docket MC 42487 (Sub-578). Also, Oconomowoc, WI will be an intermediate point in connection with a present service route found in Docket No. MC 42487 Sub 578. Docket No. MC 42487 Sub 578, in turn, will be joined with other authorities of Applicant at common service points to permit service throughout the United States.

MC 149256 (Sub-6-1TA), filed March 13, 1980. Applicant: KEN-WAY TRUCKING, INC., 110 Brannan St., San Francisco, CA 94107. Representative: Milton W. Flack, 4311 Wilshire Blvd., #300, Los Angeles, CA 90010. *General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) from, to and between Los Angeles International Airport, located in Los Angeles County, CA, and San Francisco International Airport, located in San Mateo County, CA, and points within 5 miles of the air terminals of said airports, restricted to the transportation of traffic having a prior or subsequent movement by air, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): West Coast Expeditors, Inc., 8647 Aviation Blvd., Los Angeles, CA 90045; SIR Air Freight, Inc., 5438 W. 104th St., Los Angeles, CA*

90045; Comet Air Freight, 708 S. Isis, Inglewood, CA 90301.

By the Commission.
Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-9142 Filed 3-25-80; 8:45 am]
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[Volume No. 5]

Petitions, Applications, Finance Matters (Including Temporary Authorities), Alternate Route Deviations, Intrastate Applications, Gateways, and Pack and Crate

March 7, 1980.

Petitions for Modification, Interpretation or Reinstatement of Motor Carrier Operating Rights Authority

The following petitions seek modification or interpretation of existing motor carrier operating rights authority, or reinstatement of terminated motor carrier operating rights authority.

All pleadings and documents must clearly specify the suffix numbers (e.g., M1 F, M2 F) where the docket is so identified in this notice.

The following petitions, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a *petition to intervene either with or without leave* must be filed with the Commission within 30 days after the date of publication in the Federal Register with a copy being furnished the applicant. Protests to these applications will be *rejected*.

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that if (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business

identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277.

Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

MC 1846 (Sub-13) (M1F) (notice of filing of petition to modify the commodity description), filed December 17, 1979. Petitioner: W. D. KIBLER TRUCKING COMPANY, a corporation, 60 South State St., Indianapolis, IN 46201. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Petitioner holds motor contract carrier authority in Permit MC-1846 Sub 13, issued July 3, 1979, authorizing transportation, over irregular routes, of *dry corn and soybean products*, (except commodities in bulk), from the facilities of A. E. Staley Manufacturing Co., at Decatur, IL, to Indianapolis, IN, under continuing contract(s) with A. E. Staley Manufacturing Co., of Decatur, IL. By the instant petition, petitioner seeks to delete the word "dry" from the commodity description.

MC 3717 (M1F) (notice of filing of petition to modify a certificate), filed November 6, 1979. Petitioner: SERVICE WAREHOUSE COMPANY, INC., 112 Poinier St., Newark, NJ 07114. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Petitioner holds motor *common carrier* authority in Certificate MC 3717, issued March 24, 1978, authorizing transportation, as pertinent, over irregular routes, of *foods*, in vehicles equipped with mechanical refrigeration, (a) between Boston, Gloucester and Cambridge, MA, Jersey City, Newark, and Bridgeton, NJ, Philadelphia, PA, New York, Waterport, Mt. Morris, Syracuse, and Sayville, NY, and Baltimore, MD, (b) from Boston, MA, and Jersey City, NJ, to Albany, NY, and (c) between Boston AND Gloucester, MA, on the one hand, and, on the other, Westbury, Long Island, NY. By the instant petition, petitioner seeks to modify the territorial description above so as to read: "between points in MA, NJ, NY, PA and MD".

MC 7698 (M2F) and (Sub-11) (M1F) (Notice of filing of petition to modify

certifications), filed November 12, 1979. Petitioner: FOWLER & WILLIAMS, INC., 1300 Meylert Ave., Scranton, PA 18501. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006. Petitioner holds motor *common carrier* Certificates in (1) MC-7698 issued March 28, 1956, authorizing transportation, as pertinent, over (I) regular routes, or (A) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) between Scranton, PA, and Philadelphia, PA, serving the intermediate points of Stroudsburg, PA, and those west and north of Stroudsburg, and the off-route points in Luzerne County, PA, north of a line drawn east and west through Nanticoke, PA, and those in Lackawanna County, PA: (1) from Scranton over US Hwy 611 to junction Alternate US Hwy 611, then over Alternate US Hwy 611 to junction US Hwy 611, and then over US Hwy 611 to Philadelphia, and return over the same route; (2) from Scranton over US Hwy 611 to Bartonsville, then over PA Hwy 12 to Snyder'sville, then over US Hwy 209 to Sciota, then over PA Hwy 12 to junction PA Hwy 115, then over PA Hwy 115 to Easton, then over US Hwy 611 to Pipersville, then over PA Hwy 413 via Buckingham and Langhorne, to Bristol, and then over US Hwy 13 to Philadelphia, and return over the same route; (3) from Scranton over US Hwy 611 to Stroudsburg, then over US Hwy 209 to Sciota, then over PA Hwy 12 to junction PA Hwy 115, then over PA Hwy 115 to Easton, then over US Hwy 611 to Pipersville, then over PA Hwy 413 to Buckingham, then over PA Hwy 263 to Willow Grove, and then over US Hwy 611 to Philadelphia, and return over the same route; (4) from Scranton over US Hwy 611 to junction Alt. US Hwy 611, then over Alt. US Hwy 611 to Portland, then across the Portland Bridge to Columbia, NJ, then over NJ Hwy 94 to junction US Hwy 46, then over US Hwy 46 to Butzville, NJ, then over NJ Hwy 69 to Trenton, NJ, and then over US Hwy 1 to Philadelphia, and return over the same route; and (5) from Scranton over the route specified immediately above to Portland, PA, then over US Hwy 46 to Butzville, NJ, then over NJ Hwy 69 to Trenton, NJ and then over US Hwy 1 to Philadelphia, and return over the same route; (b) between Binghamton, NY, and Wilkes-Barre, PA, serving the intermediate points of Harding, West Pittston, New Milford, Scranton, Kingston, and Forty Fort, PA, those between New Milford and Scranton, PA,

and those between Scranton and Wilkes-Barre, PA, and the off-route points of Olyphant, PA, and Port Dickinson, Hillcrest, Port Crane, Chenango Bridge, Johnson City, and Endicott, NY: (1) from Binghamton over US Hwy 11 to Nicholson, PA, then over PA Hwy 92 via Tunkhannock, PA, to West Pittston, PA, then over US Hwy 11 to Kingston, PA, and then across the Susquehanna River to Wilkes-Barre, and return over the same route, and (2) from Binghamton over US Hwy 11 to Pittston, PA, and then over unnumbered Hwy to Wilkes-Barre, and return over the same route, and (B) *general commodities* (except those of unusual value, classes A and B explosives, liquor, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Philadelphia, PA and Bordentown, NJ, serving all intermediate points, and the off-route points of Merchantville, Maple Shade, Bridgeboro, and Mount Holly, NJ: from Philadelphia across the Delaware River to Camden, NJ, then over unnumbered Hwy via Riverton, Riverside, and Beverly, NJ, to Burlington, NJ, and then over US Hwy 130 to Bordentown, and return over the same route; and (II) regular and irregular routes, of *general commodities* (except bulk coal, sand, stone, and extra large articles), between Binghamton, NY, and points in the New York, NY commercial zone, as defined by the Commission, serving the intermediate points of Hallstead and Scranton, PA, and Newark, NJ, and the off-route points of Wilkes-Barre and Pittston, PA: from Binghamton over US Hwy 11 to Scranton, PA, then over US Hwy 611 to junction Alternate US Hwy 611, then over Alt. US Hwy 611 to Portland, PA, then over US Hwy 46 to junction NJ Hwy 69, then over NJ Hwy 69 to junction US Hwy 22, then over US Hwy 22 to junction US Hwy 1, then over US Hwy 1 to Jersey City, NJ, and then over irregular routes to points in the New York, NY commercial zone, as defined by the Commission, and return over irregular routes to Jersey City, NJ, and then over the above-specified routes to Binghamton, NY; and (2) MC-7698 Sub 11 issued March 25, 1969, authorizing transportation, as pertinent, over regular and irregular routes, of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, New automobiles, commodities in bulk, and those requiring special equipment), (a) between Pennsburg, PA and New York, NY, serving the intermediate points of Newark, NJ, Easton, PA, those between

Pennsburg and Easton, PA, including Emmaus, PA, and off-route points in PA within 30 miles of Pennsburg: From Pennsburg over PA Hwy 29 to Allentown, PA, then over US Hwy 22 to junction NJ Hwy 82, then over NJ Hwy 82 to Elizabeth, NJ, and then over city streets to NY, and return over the same route, and (b) between Philadelphia, PA, and Pennsburg, PA, serving all intermediate points, from Philadelphia over PA Hwy 73 to junction PA Hwy 29 (also from Philadelphia over US Hwy 422 to junction PA Hwy 29), and then over PA Hwy 29 to Pennsburg, and return over the same routes. By the instant petition, petitioner seeks to modify the above commodity and territorial description in both certificates to read as follows: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between New York, NY, and the PA-OH State line, serving all intermediate points and all points in NJ and PA as off-route points, (a) from New York, NY over I-Hwy 80 to the PA-OH State line, and return over the same route, and (b) from New York, NY over I-Hwy 95 to junction I-Hwy 78, then over I-Hwy 78 to junction I-Hwy 76, then over I-Hwy 76 to the PA-OH State line, and return over the same route; (2) between New York, NY, and the PA-WV State line, serving all intermediate points, and all points in NJ and PA as off-route points, from New York, NY to junction I-Hwy 76 as specified in (1)(b) above, then over I-Hwy 76 to junction I-Hwy 70, then over I-Hwy 70 to the PA-OH State line, and return over the same route; (3) between the NY-Canadian Boundary line and the PA-MD State line, serving all intermediate points and all points in NY and PA as off-route points, (a) from the NY-Canadian Boundary line over I-Hwy 81 to the PA-MD State line, and return over the same route, (b) from the NY-Canadian Boundary line over I-Hwy 87 to junction I-Hwy 84, then over I-Hwy 84 to junction I-Hwy 81, then over I-Hwy 81 to the PA-MD State line, and return over the same route, and (c) from the NY-Canadian Boundary line over I-Hwy 81 to junction I-Hwy 90, then over I-Hwy 90 to junction I-Hwy 79, then over I-Hwy 79 to the PA-MD State line, and return over the same route; (4) between the NY-Canadian Boundary line and the DE-MD State line, serving all intermediate points and all points in DE, NY, and PA, as off-route points: (a) from the NY-Canadian Boundary line over I-Hwy 81 to junction I-Hwy 380, then over I-Hwy 380 to junction PA Hwy 611, then over PA Hwy

611 to junction I-Hwy 95 at or near Philadelphia, PA, then over I-Hwy 95 to junction US Hwy 13 at or near Wilmington, DE, then over US Hwy 13 to the DE-MD State line, and return over the same route, and (b) from the NY-Canadian Boundary line to junction US Hwy 13 as specified in (4)(a) above, then over US Hwy 13 to junction US Hwy 113, then over US Hwy 113 to the DE-MD State line, and return over the same route; and (5) between the NY-Canadian Boundary line, and the DE-MD State line, serving all intermediate points, and points in NY, NJ, and DE as off-route points: (a) from the NY-Canadian boundary line over I-Hwy 87 to junction I-Hwy 95, then over I-Hwy 95 to junction US Hwy 13, then over US Hwy 13 to the DE-MD State line, and return over the same route, (b) from the NY-Canadian Boundary line to junction US Hwy 13 as specified in (5)(a) above, then over US Hwy 13 to junction US Hwy 113, then over US Hwy 113 to the DE-MD State line, and return over the same route, and (c) from the NY-Canadian Boundary line over I-Hwy 190 to junction I-Hwy 90, then over I-Hwy 90 to junction I-Hwy 87, then over I-Hwy 87 to the DE-MD State line as specified in (5)(a) above, and return over the same route.

MC 11207 (Sub-411) (MIF) (notice of filing of petition to modify territorial description), filed September 24, 1979. Petitioner: DEATON, INC., 317 Avenue W., P.O. Box 938, Birmingham, AL 35201. Representative: W. Bruce White, Jr., Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Petitioner holds motor *common carrier* certificate in No. MC 11207 Sub 411, authorizing transportation over irregular routes, of (1) *plastic containers*, from Longwood, FL, to points in AL, GA, LA, MS, NC, SC, and TX, and (2) *materials and supplies* used in the manufacture of plastic containers (except in bulk), from points in AL, GA, LA, MS, NC, SC, and TX, to Longwood, FL. By the instant petition, petitioner seeks to modify the territorial description so as to read: in (1) from Longwood, FL, and the facilities of B & S Plastic Company, at or near Jacksonville, FL, to points in AL, GA, LA, MS, NC, SC, and TX, and in (2) from points in AL, GA, LA, MS, NC, SC, and TX, to Longwood, FL, and the facilities of B & S Plastic Company, at or near Jacksonville, FL.

MC 42487 (Sub-787) (MIF) (notice of filing of petition to remove restriction), filed September 13, 1979. Petitioner: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Petitioner

holds a motor *common carrier* certificate in No. MC 42487 Sub 787, issued March 12, 1973, authorizing transportation over regular routes, of *general commodities* (except those of unusual value, classes A and B explosives, green hides, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Atlanta, GA, and Kansas City, MO, as an alternate route for operating convenience only in connection with carrier's presently authorized regular-route operations, serving no intermediate points: from Atlanta over U.S. Hwy 278 to junction U.S. Hwy 231 (near Brooksville, AL), then over U.S. Hwy 231 to junction Alabama Hwy 67 (near Summit, AL), then over Alabama Hwy 67 to junction U.S. Hwy 31 (near Decatur, AL), then over U.S. Hwy 31 to junction U.S. Hwy 72 (at Decatur, AL), then over Alternate U.S. Hwy 72 to junction U.S. Hwy 72 (near Tusculumbia, AL), then over U.S. Hwy 72 to junction Interstate Hwy 240 (near Memphis, TN), then over Interstate Hwy 240 to junction Interstate Hwy 55 (at Memphis, TN), then over Interstate Hwy 55 to junction U.S. Hwy 63 (near Gilmore, AR), then over U.S. Hwy 63 to junction U.S. Hwy 60 (near Willow Springs, MO), then over U.S. Hwy 60 to junction U.S. Hwy 160 (at Springfield, MO), then over U.S. Hwy 160 to junction MO Hwy 13 (at Springfield, MO), then over MO Hwy 13 to junction MO Hwy 7 (near Clinton, MO), then over MO Hwy 7 to junction U.S. Hwy 71 (near Harrisonville, MO), then over U.S. Hwy 71 to Kansas City, and return over the same route, the operations authorized herein are restricted against the transportation of traffic originating at, destined to, or received from or delivered to connecting carriers at Kansas City, MO-Kans., and Wichita, KS, or points in the Commercial Zones thereof as defined by the Commission. By the instant petition, petitioner seeks to modify the authority herein by deleting the restriction.

MC 42487 (Sub-799) (MIF) and 832 (MIF) (notice of filing of petition to modify the certificates) filed September 10, 1979. Petitioner: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linwood Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Petitioner holds motor *common carrier* authority authorizing transportation over specified alternate routes, as pertinent, in Certificates Nos. (1) MC 42487 Sub 799, issued November 7, 1973, of *general commodities* (except those of unusual value, classes A and B explosives, livestock, green hides,

household goods as defined by the Commission, commodities in bulk, and those requiring special equipment). Restriction: the operations authorized herein are restricted against the transportation of traffic originating at, or destined to, or received from or delivered to connecting carriers at Kansas City, MO-Kans., and Wichita, KS, or points in the Commercial Zones thereof as defined by the Commission, and (2) MC 42487 Sub 832, issued October 23, 1975, of *general commodities* (except those of unusual value, classes A and B explosives, green hides, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment). Restriction: the operations authorized hereinabove are restricted against the transportation of traffic originating at, or destined to, or received from or delivered to connecting carriers at Kansas City, MO, or Wichita, KS, or points in their respective Commercial Zones as defined by the Commission. By the instant petition, petitioner seeks to modify the certificates in Nos. MC 42487 Sub 799 (MIF), and MC 42487 Sub 832 (MIF), by deleting the above indicated restrictions.

MC 42487 (Sub-821) (MIF), (notice of filing of petition to modify the territorial description), filed September 17, 1979. Petitioner: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Petitioner holds motor *common carrier* authority in Certificate No. MC 42487 Sub 821, issued March 28, 1975, authorizing transportation, over alternate route for operating convenience only, of *general commodities* (except those of unusual value, classes A and B explosives, livestock, green hides, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between St. Louis, MO, and Nashville, TN, in connection with carrier's presently authorized regular-route operations, serving no intermediate points: (1) from St. Louis over U.S. Hwy 460 to Evansville, IN, then over U.S. Hwy 41 to Nashville, and return over the same route, and (2) from St. Louis over U.S. Hwy 50 to junction Interstate Hwy 57, at or near Salem, IL, then over Interstate Hwy 57 to junction U.S. Hwy 460 at or near Mt. Vernon, IL, then over U.S. Hwy 460 to Evansville, IN, then over U.S. Hwy 41 to junction Pennyryle Parkway, then over Pennyryle Parkway to junction Alternate U.S. Hwy 41 near Hopkinsville, KY, then over Alternate U.S. Hwy 41 to Nashville, and

return over the same route, restriction: the authority granted herein is restricted to the transportation of traffic moving from to or through AK, AZ, CA, CO, HI, ID, MT, NV, NM, OR, UT, WA, and WY. By the instant petition, petitioner seeks to modify the territorial description by adding an additional territory which reads as follows: and (3) from St. Louis over Interstate Hwy 55 to junction Interstate Hwy 64, then over Interstate Hwy 64 to junction U.S. Hwy 41, then over U.S. Hwy 41 via Evansville, IN to junction Pennyrile Parkway, then over Pennyrile Parkway to junction Alternate U.S. Hwy 41 near Hopkinsville, KY, then over Alternate U.S. Hwy 41 to junction Interstate Hwy 24, then over Interstate Hwy 24 to Nashville, and return over the same route.

MC 42487 (Sub-885) (M2F), (notice of filing of petition to delete a restriction), filed December 20, 1979. Petitioner: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linwood Dr., Menlo Park, CA 94025. Representative: Eugene T. Lipfert, Suite 1100, 1660 L St., N.W., Washington, DC 20036. Petitioner holds motor *common carrier* authority in Certificate MC-42487 Sub 885, issued April 17, 1979, authorizing transportation, over regular routes, of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Houston, TX, and New Orleans, LA, serving the points of Orange and Beaumont, TX, with service at points in the Orange, Beaumont, and Houston, TX, commercial zones, as defined by the Commission, restricted to the transportation of traffic moving to or from points on the below-described route in LA, serving all intermediate points in LA, with service at Baton Rouge, LA, restricted to traffic moving to or from points west of the LA-TX State line, over specified routes. By the instant petition, petitioner seeks to modify the territorial description above so as to read: "between Houston, TX, and New Orleans, LA, serving the intermediate points of Orange and Beaumont, TX, and serving all intermediate points in LA, with service at Baton Rouge, LA, restricted to traffic moving to or from points west of the LA-TX State line".

MC 48409 (M1F) and Sub-1 (M1F) and Sub-3 (M1F) (notice of filing of petition to modify certificates), filed April 19, 1979. Petitioner: MAHON'S EXPRESS, a corporation, P.O. Box 550 Newark, NJ 07101. Representative: George A. Olsen, 69 Tonnele Ave., Jersey City, NJ 07306. Petitioner holds motor *common carrier* Certificates in (1) MC 48409 issued May

13, 1949, authorizing transportation over irregular routes, of general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) From Newark, NJ, to points in Orange and Rockland Counties, NY, and points in NJ; (b) from New York, NY, to points in that part of NJ on and north of a line extending from Trenton through Seaside Park to the Atlantic Ocean, including the points named; and (c) between Newark, NJ, on the one hand, and, on the other, New York, NY, and points in Nassau and Westchester Counties, NY; (2) MC-48409 Sub 1, issued August 6, 1948, authorizing transportation over irregular routes, of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Bound Brook, Fords, Grasselli, Guttenberg, Little Ferry, Mountain View, and Paterson, NJ, to Newark, NJ; and (3) in MC-48409 Sub 3 issued February 27, 1952, authorizing transportation, over irregular routes of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from points in NJ on and north of a line extending from Trenton, NJ, through Seaside Park, NJ, to the Atlantic Ocean, including points named (except Bound Brook, Fords, Grasselli, Guttenberg, Little Ferry, Mountain View and Paterson, NJ), to Newark, NJ. By the instant petition, petitioner seeks to modify the certificates by adding the additional territorial points of the "facilities of K Mart of King of Prussia, PA and Poughkeepsie, NY" (A) to the destination in (a) and (b), and as additional radial points in (c) with respect to the lead; (B) as additional destination points with respect to the Sub 1; and (C) as additional origin points with respect to Sub 3.

MC 70832 (Sub-13) (M1F), (notice of filing of petition to modify certificate), filed September 10, 1979. Petitioner: NEW PENN MOTOR EXPRESS, INC., P.O. Box 630, Lebanon, PA 17042. Representative: Jeremy Kahn, Suite 733, Investment Building, 1511 K Street, NW, Washington, DC 20005. Petitioner holds a motor *common carrier* certificate in MC-70832 Sub-13, issued March 2, 1972, to operate in interstate of foreign commerce, over *regular* routes, transporting (in part A of certificate) *General commodities*, (except those of unusual value, classes A and B

explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), Between New Haven, CT, and New York, NY, serving all intermediate points; and the off-route points of New Canaan, South Norwalk, and West Haven, CT, points in the New York, NY, Commercial Zone as defined by the Commission in 1 M.C.C. 665 and points in NJ within 25 miles of New York, NY, From New Haven over US Hwy 1 via Bridgeport, CT, to New York and return over the same route. By the instant petition, petitioner seeks to modify the authority as follows: authorize service to and from all points in CT as off-route points to petitioner's authorized routes.

MC 87109 (M1F) and Sub-21 (M1F) (notice of filing petition for modification of certificates), filed November 14, 1979. Petitioner: TIDEWATER INLAND EXPRESS, INC., Rehoboth Blvd., Milford, DE 19963. Representative: Leonard A. Jaskiewicz, 1730 M St., NW, Washington, DC 20036. Petitioner holds motor *common carrier* certificates in (1) MC-87109 issued June 26, 1968, authorizing transportation, as pertinent, over regular routes, of (A) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) between Wilmington, DE, and Harrisburg, PA, from Wilmington over Delaware Hwy to junction Delaware Hwy 41, then over Delaware Hwy 41 to the DE-PA State line, then over PA Hwy 41 to junction US Hwy 30 at or near Gap, PA, then over US Hwy 30 to Lancaster, PA, then over PA Hwy 72 to junction U.S. Hwy 230, then over US Hwy 230 to Harrisburg, and return over the same route; (b) between Wilmington, DE, and Avondale, PA, from Wilmington over US Hwy 202 to junction US Hwy 1, then over US Hwy 1 to Avondale, and return over the same route; (c) between Wilmington, DE, and junction PA Hwy 52 and US Hwy 1 (at or near Hamorton, PA), from Wilmington over DE Hwy 52 to the DE-PA State line, then over PA Hwy 52 to junction US Hwy 1, and return over the same route; (d) between Wilmington, DE, and New York, NY, from Wilmington over DE Hwy 9 to junction US Hwy 40, then over US Hwy 40 to junction US Hwy 130, then over US Hwy 130 to junction US Hwy 1 (near New Brunswick, NJ), then over US Hwy 1 to New York, and return over the same route; and (e) serving all points in Cumberland, York, Lancaster, Lebanon, and Dauphin Counties, PA, as intermediate or off-route points in

connection with the operations authorized above, and serving Avondale, PA, and junction PA Hwy 52 and US Hwy 1 for purposes of joinder only, restricted in (A) above to the following conditions: Said regular-route operations shall not be severable, by sale or otherwise, from the irregular-route authority authorized hereinbelow. Said regular-route operations are restricted against the transportation of shipments between New York, NY, and the above-described points in PA; and (B) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) between Milford, DE, and Philadelphia, PA, serving all intermediate points; and the off-route points in that part of DE south of a line beginning at the PA-MD State line and extending through Hockessin and Wilmington, DE, to the Delaware River, including points in Caroline, Dorchester, Kent, Queen Annes, Somerset, Talbot, Wicomico, and Worcester Counties, MD, and those in Cecil County, MD, south of US Hwy 40, including points on the indicated portions of the highways specified: from Milford over US Hwy 113 to junction US Hwy 13, then over US Hwy 13 to Philadelphia, and return over the same route; (b) between Baltimore, MD, and Milford, DE, serving intermediate points (except that traffic from Baltimore and points on the said routes in MD west of the Susquehanna River and those west of the Chesapeake Bay is restricted to delivery at intermediate points on the authorized routes in MD and DE on the Delmarva Peninsula); and off-route points as specified next above: (1) from Baltimore over US Hwy 40 to Glasgow, DE, then over DE Hwy 896 to junction US Hwy 13, then over US Hwy 13 to junction US Hwy 113, then over US Hwy 113 to Milford, and return over the same route; and (2) from Baltimore over MD Hwy 2 to junction US Hwy 50, then over US Hwy 50 to Sandy Point, MD then across the Chesapeake Bay Metapeake, MD, then over US Hwy 50 to junction MD Hwy 404, then over MD Hwy 404 to junction MD Hwy 313, then north over MD Hwy 313 (one mile) to junction MD Hwy 317, then over MD Hwy 317 via Burrville, MD, to the MD-DE State line, then over DE Hwy 14 to Milford, and return over the same route; and (2) in MC-87109 Sub-21 issued June 18, 1968, authorizing transportation, as pertinent, over regular routes, of (A) (i) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the

Commission, commodities in bulk, and those requiring special equipment), (a) serving the site of the International Business Machines Corporation Distribution Center located in Hampden Township, Cumberland County, PA, as an off-route point in connection with carrier's otherwise authorized regular-route operations; (b) between Syracuse, NY, and Hanover, PA; from Syracuse over NY Hwy 5 to Fayetteville, NY, then over NY Hwy 92 to junction US Hwy 20, then over US Hwy 20 via Morrisville, NY, to Bouckville, NY, then over NY Hwy 12B via Randallville, NY, to junction NY Hwy 12 (also from Morrisville over unnumbered highway via Eaton, NY, to Randallville, then over NY Hwy 12B to junction NY Hwy 12), then over NY Hwy 12 via Oxford, NY, to Binghamton, (also from Oxford over NY Hwy 220 to junction NY Hwy 7, then over NY Hwy 7 to Binghamton), then over US Hwy 11 to Nicholson, PA, then over PA Hwy 92 to Tunkhannock, PA, then over US Hwy 309 to West Pittston, PA, then over US Hwy 11 to junction US Hwy 22, then over US Hwy 22 to Harrisburg, PA, then over Interstate Hwy 83 (formerly US Hwy 111) to York, PA, then over US Hwy 30 to junction PA Hwy 116, then over PA Hwy 116 to Hanover, and return over the same route; (c) between Endicott, NY, and Binghamton, NY, over NY Hwy 17C, and return over the same route; (d) between Lancaster, PA, and Harrisburg, PA, over US Hwy 230, and return over the same route; (e) between Lancaster, PA, and York, PA, over US Hwy 30, and return over the same route, serving in (b) through (e) above the intermediate points in Johnson City, Binghamton, Cazenovia, Nelson, Morrisville, Hamilton, Earlville, Sherburne, Norwich, Oxford, Greene, Aston, Bainbridge, and Guilford, NY, Danville, Bloomsburg, Berwick, Northumberland, Lancaster, Selingsgrove, Harrisgrove, Harrisburg, Camp Hill, Lemoyne, New Cumberland, Steelton, High Spire, Middletown, York, West York, North York, East York, Springrove, Columbia, Mount Joy, Hanover, Florin, Elizabethtown, and Rheems, PA, and the off-route points in Chenango Forks, Owego, Sanitaria Springs, Harpursville, Sidney, Tunnel, Johnson City, Endicott, Masonville, Bennetsville, NY, Lititz, Manheim, and Sunbury, PA; (f) between Syracuse, NY, and Chenango Forks, NY; with no service to or from intermediate points nor to or from termini: from Syracuse over US Hwy 11 to Whitney Point, then over NY Hwy 79 to Chenango Forks, and return over the same route; (g) between Tunkhannock, PA, and junction PA Hwy 92 and US Hwy 11, with no service to or

from intermediate points, nor to or from termini: from Tunkhannock over PA Hwy 29 to Bowman Creek, PA, then over US Hwy 309 to junction US Hwy 11, and return over the same route; (h) between Manchester, MD, and Reistertown, MD; with no service to or from intermediate points, nor to or from termini, over MD Hwy 30 and return over the same route; (i) between Williamsport, PA, and New York, NY serving all intermediate points in PA, the intermediate and off-route points of Bangor and Northampton, PA, Newark, Jersey City, Hoboken, Plainfield, Ridgefield, Summit, and Morristown, NJ, and points in Bergen, Hudson, Union, and Essex Counties, NJ, and points in Passaic County, NJ, east of US Hwy 202, unrestricted; and the off-route points of Stroudsburg, PA, and Lyndhurst, NJ, restricted against the transportation of traffic originating at or destined to Stroudsburg and Lyndhurst: from Williamsport over US Hwy 220 to Halls, PA, then over PA Hwy 147 via Muncy, PA, to Sunbury, PA, (also from Muncy over PA Hwy 405 to junction PA Hwy 147 near Milton, PA, then over PA Hwy 417 to Sunbury), then over PA Hwy 61 to Hamburg, PA, then over US Hwy 22 to Elizabeth, NJ, and then over US Hwy 1 to NY, and return over the same route; (j) between Sunbury, PA, and Lewistown, PA, serving all intermediate points: from Sunbury over bridge to junction US Hwy 11, then over US Hwy 522 to Selinsgrove, and then over US Hwy 522 to Lewistown, and return over the same route; (k) between Pottsville, PA, and Millersburg, PA, over US Hwy 209 and return over the same route, serving all intermediate points; (l) between Frackville, PA, and Hazleton, PA, serving all intermediate points: from Frackville over PA Hwy 924 via Gilberton, PA, to Shenandoah, then over PA Hwy 54 to Hometown, then over US Hwy 309 to Tamaqua, then return over US Hwy 309 to Hometown, and then continuing over US Hwy 309 to Hazleton, and return over the same route; (m) between Pottsville, PA, and Hazleton, PA, serving all intermediate points and the off-route points of Weatherly and Freeland, PA: from Pottsville over US Hwy 209 to Mauch Chunk, then over PA Hwy 29 to Hazleton, and return over the same route; (n) between Berwick, PA, and Northumberland, PA, over US Hwy 11 and return over the same route, serving all intermediate points; (o) between Cortland, NY, and Binghamton, NY, serving no intermediate points, but serving the off-route points of Homer and McGraw, NY; from Cortland over US Hwy 11 to Binghamton, and return over the same route; (p) between York,

PA, and Baltimore, MD, as an alternate route for operating convenience only in connection with carrier's regular route operations between Washington, DC and Syracuse, NY, serving no intermediate points: from York over I-Hwy 83 to Baltimore, and return over the same route; (II) *general commodities*, (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) between Harrisburg, PA, and Baltimore, MD, serving no intermediate points; from Harrisburg over I-Hwy 83 (formerly US Hwy 111) to Lemoyne, PA, then over US Hwy 15 to York Springs, PA, then over PA Hwy 94 to the PA-MD State line, then over MD Hwy 30 to Manchester, MD, then over MD Hwy 31 to Westminster, MD, and then over US Hwy 140 to Baltimore, and return over the same route; (b) between Nicholson, PA, and West Pittston, PA, over US Hwy 11, and return over the same route, serving no intermediate points; (c) between Endicott, NY, and Binghamton, NY, serving no intermediate points; from Endicott over NY Hwy 17C to junction NY Hwy 26, then over NY Hwy 26 to junction NY Hwy 17, and then over NY Hwy 17 to Binghamton, and return over the same route; (d) between Lemoyne, PA, and Hershey, PA, serving no intermediate points: from Lemoyne over I-Hwy 83 to Harrisburg, then over US Hwy 322, to junction US Hwy 422, then over US Hwy 422 to Hershey, and return over the same route; and (e) between Baltimore, MD, and Alexandria, VA, serving all intermediate points, and off-route points in MD and VA within 5 miles of DC, and points within 6 miles of Baltimore: from Baltimore over US Hwy 1 to Alexandria, and return over the same route; and (III) *general commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Whitney Point, NY, and junction US Hwy 11 and NY Hwy 12, north of Binghamton, for operating convenience only, with no service to or from the termini or intermediate points: from Whitney Point over US Hwy 11 to junction NY Hwy 12, and return over the same route; and (B)(I) *general commodities* (except those of unusual value, classes A and B explosives, livestock, alcoholic liquors, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Reading, PA, and Baltimore, MD, serving no intermediate points, from Reading over PA Hwy 625 to

junction PA Hwy 23 to Lancaster, PA, then over US Hwy 22 to Conowingo, MD, then over US Hwy 1 to Baltimore, and return over the same route; (II) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission commodities in bulk, and those requiring special equipment), (a) between New York, NY and Reading PA, serving the off-route points of Piermont, NY, New Brunswick, Bound Brook, and South Bound Brook, NJ, points in the New York, NY Commercial Zone, as defined by the Commission, points in that part of Westchester County, NY, that lies north of the New York, NY Commercial Zone, supra, and on and west of a line extending from Long Island Sound along the NY-CT State line to junction NY Hwy 120, then along NY Hwy 120 to junction NY Hwy 100, and then along NY Hwy 100 to junction US Hwy 202, and on and south of US Hwy 202; and points in Bergen, and Passaic Counties, NJ, on and east of US Hwy 202; in Morris County, NJ, on an east of US Hwy 202 and on and north of NJ Hwy 24; in Middlesex County, NJ, on and north of the Raritan River; and points in Union, Essex, and Hudson Counties, NJ: from NY over US Hwy 1 to Newark, NJ, then over US Hwy 22 to junction NJ Hwy 28 near Somerville, NJ, then over NJ Hwy 28 to junction unnumbered hwy, then over unnumbered hwy via North Branch, NJ, to junction US Hwy 22, then over US Hwy 22 to junction unnumbered hwy, then over unnumbered hwy via Whitehouse, NJ to junction US Hwy 22, then over US Hwy 22 to junction unnumbered hwy, then over unnumbered hwy via Lebanon, NJ, to junction US Hwy 22 then over US Hwy 22 to junction unnumbered hwy, then over unnumbered hwy via Annandale, NJ, to junction US Hwy 22, then over US Hwy 22 to junction Alt. US Hwy 22, then over Alt. US Hwy 22 via Phillipsburg, NJ, and Easton, PA, to junction unnumbered hwy, then over unnumbered hwy via Wilson, Butztown, and Bethlehem, PA to Allentown, PA, then over US Hwy 222 to Reading, and return over the same route, (b) between Reading, PA, and Hanover PA, serving the off-route points which are located west of the Susquehanna River and within 5 miles north of that portion of the route (US Hwy 30 and PA Hwy 116) specified immediately below which is located west of the Susquehanna River: From Reading over US Hwy 222 to junction unnumbered hwy near Ephrata, PA, then over unnumbered hwy via Ephrata to junction US Hwy 222, then over US Hwy 222 to Lancaster, then over US Hwy 30

to junction PA Hwy 116, then over PA Hwy 116 to Hanover, and return over the same route, (c) between Reading, PA, and Harrisburg, PA, serving the off-route points located west of the Susquehanna River and within 5 miles of Harrisburg: From Reading over US Hwy 422 via Hershey, PA, to junction unnumbered hwy, then over unnumbered hwy to Hummelstown, then over unnumbered hwy to junction US Hwy 322, then over US Hwy 322 to Harrisburg, and return over the same route, (d) between Reading, PA, and Sunbury, PA, from Reading over PA Hwy 61 to Pottsville, then over US Hwy 209 to Mauch Chunk, then over PA Hwy 93 to Hazleton, then over US Hwy 309 to junction PA Hwy 54, then over PA Hwy 54 to Ashland, then over PA Hwy 61 to Sunbury, and return over the same route, (e) between Tamaqua, PA, and Hometown, PA over US Hwy 309, and return over the same route, (f) between Pottsville, PA, and Millersburg, PA, from Pottsville over US Hwy 209 to junction unnumbered hwy, then over unnumbered hwy via Williamstown, PA, to junction US Hwy 209, then over US Hwy 209 to Millersburg, and return over the same route, (g) between Lancaster, PA, and Harrisburg, PA, from Lancaster over US Hwy 230 to junction PA Hwy 722, then over PA Hwy 722 via Landisville, and Salunga, to junction US Hwy 230, then over US Hwy 230 to Harrisburg, and return over the same route, (h) between Reading, PA, and Phoenixville, PA, from Reading over US Hwy 422 to Pottstown, then over PA Hwy 100 to junction PA Hwy 724, then over PA Hwy 724 to junction PA Hwy 23, then over PA Hwy 23 to Phoenixville, and return over the same route, (i) between Allentown, PA and Mauch Chunk, PA, over PA Hwy 29, and return over the same route, (j) between Sunbury, PA, and Harrisburg, PA, from Sunbury over PA Hwy 147 to junction US Hwy 322, then over US Hwy 322 to Harrisburg, and return over the same route, (k) between Ashland, PA, and Pottsville, PA, over PA Hwy 61, and return over the same route, (l) between Easton, PA, and Bangor, PA, from Easton over PA Hwy 248 to junction PA Hwy 191, then over PA Hwy 191 to junction PA Hwy 115, then over PA Hwy 115 to junction unnumbered hwy (formerly portion PA Hwy 115), then over unnumbered hwy to Windgap, then over unnumbered hwy (formerly PA Hwy 702) to Bangor, and return over the same route, and (m) between Allentown, PA, and Souderton, PA, from Allentown over US Hwy 309 to junction PA Hwy 113, then over PA Hwy 113 to Souderton, and return over the same route, serving

all intermediate points in routes (a) through (m) above; over Alternate Routes for operating conveniences only (III) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission commodities in bulk, and those requiring special equipment), (a) between Lancaster, PA, and New York, NY, in connection with carrier's regular-route operations, serving intermediate points, from Lancaster over US Hwy 30 to Philadelphia, PA, then over US Hwy 1 to New York, and return over the same route, (d) between Sunbury, PA, and Harrisburg, PA in connection with carrier's regular-route operations, serving no intermediate points, from Sunbury south over PA Hwy 147 to first bridge, then across the Susquehanna River to junction US Hwy 15, north of Shamokin Dam, PA, then over US Hwy 15 to Wormleysburg, PA, then across the Susquehanna River to Harrisburg, and return over the same route, and (c) between Harrisburg, PA, and York, PA, in connection with carrier's regular-route operations, serving no intermediate points, from Harrisburg across the Susquehanna River, then over I-Hwy 83 to junction unnumbered hwy, then over unnumbered hwy via new Cumberland to junction I-Hwy 83 to junction unnumbered hwy, then over unnumbered hwy via Newberrytown, and Strinestown, PA, to junction I-Hwy 83, then over I-Hwy 83 to York, and return over the same route. By the instant petition, petitioner seeks to modify the regular route authority in each of the above certificates by adding the following: "Serving all points in PA east of US Hwy 220, and points in NJ as off-route points in connection with carrier's authorized regular routes".

MC 101219 (Sub-54) (M1F) (notice of filing of petition to modify certificate), filed January 25, 1980. Petitioner: MERIT DRESS DELIVERY, INC., 292 Eleventh Ave., New York, NY 10001. Representative: Martin Werner, 888 Seventh Ave., New York, NY 10019. Petitioner holds a motor *common carrier* Certificate in MC 101219 (Sub-54) issued May 15, 1975, authorizing transportation over irregular routes, of *wearing apparel*, on hangers, in boxes and in cartons, and *supplies* used in the manufacture of wearing apparel, when moving in the same vehicle and at the same time with shipments of wearing apparel, on hangers, between points in that part of the New York, NY Commercial Zone, as defined in Commercial Zones and Terminal Areas, 54 M.C.C. 451, within which local operations may be conducted pursuant

to the partial exemption of section 203(b)(8) of the Interstate Commerce Act (the "exempt" zone), CT (except Middletown), ME, MA, NH, and RI. By the instant petition, petitioner seeks to modify the above commodity description by adding *department store merchandise* when moving in the same vehicle and at the same time with shipments of wearing apparel on hangers.

MC 107227 (Sub-84) (M1F) (notice of filing of petition to modify certificate), filed November 9, 1979. Petitioner: INSURED TRANSPORTERS, INC. 45055 Fremont Boulevard, Fremont, CA 94538. Representative: John G. Lyons, 220 Bush Street, Room 1418, San Francisco, CA 94104. Petitioner holds motor *common carrier* certificate in MC 107227 (Sub-84), served June 20, 1962, authorizing transportation over irregular routes, of *trucks, truck tractors, truck chassis, and station wagons*, with or without bodies, in initial movements, in driveway and truckaway service, from the site of the General Motors Corporation assembly plant in Fremont, CA, to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA and WY. By the instant petition, petitioner seeks to modify the commodity description by adding "automobiles" to the commodities transported.

MC 109397 (Sub-463) (M1F) (notice of petition to modify commodity description in part 1), filed September 13, 1979. Petitioner: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, MO 64801. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. Petitioner holds motor *common carrier* certificate in MC 109397 (Sub-362), issued July 27, 1979, authorizing transportation over irregular routes, of (1) *heavy industrial machinery and contractor's equipment materials and supplies* (except commodities in bulk, in tank vehicles), between points in MN, SD, ND, and WI, and (2) *crude verniculite ore*, in bulk, in dump vehicles, from Seneca, IL, to Minneapolis, MN, restricted against the transportation of traffic moving to ND having an immediately prior movement by rail. By the instant petition, petitioner seeks to modify the commodity description in part (1) so as to read: (1)(a) *commodities*, the transportation of which, because of their size or weight, requires the use of special equipment, (b) *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts and supplies moving in connection therewith (restricted to commodities transported on trailers), and (c) *heavy industrial machinery and contractor's equipment*,

materials and supplies except commodities in bulk, in tank vehicles).

MC 110686 (Sub-32) (M1F) (notice of filing of petition to modify certificate), filed September 4, 1979. Petitioner: McCORMICK DRAY LINE, INC., Route 220, Avis, PA 17721. Representative: David A. Sutherland, 1150 Connecticut Ave., NW., Suite 400, Washington, DC 20016. Petitioner holds a motor *common carrier* certificate in MC 110686 (Sub-32), issued July 11, 1967, authorizing transportation over irregular routes of *iron and steel and iron and steel articles* (except those commodities which because of size or weight require the use of special equipment), (1) between the plant sites of Avco Corporation, Darling Valve and Manufacturing Company, and Met-Fab, Inc., at Williamsport, PA, on the one hand, and, on the other, points in CT, DE, KY, MD, MA, NJ, NY, OH (except from Dover, OH), RI, TN, VA, WV, and DC, restricted with respect to service to or from points in OH and WV to the transportation of shipments originating at or destined to the above-named sites at Williamsport, PA, (2) from Alliance, OH, and Buffalo and Lackawanna, NY, to the plant site of E. Keeler Company, at Williamsport, PA, restricted with respect to service from Alliance, OH, to the transportation of shipments destined to said plant site at Williamsport, PA, (3) from Avis, PA, and the plant site of Jersey Shore Steel Company, at Williamsport, PA, to Louisville, KY, and (4) from points in KY, MA, OH (except Dover, OH), VA and WV, to Avis, PA, and the plant site of Jersey Shore Steel Company, at Williamsport, PA, restricted with respect to service from points in OH and WV, to the transportation of shipments destined to Avis, PA, and said plant site, at Williamsport, PA. By the instant petition, Petitioner seeks to modify the certificate MC 110686 (Sub-32) as follows: iron and steel and iron and steel articles, between Williamsport, PA, on the one hand, and, on the other, points in CT, DE, KY, MD, MA, NJ, NY, OH, RI, TN, VA, WV and DC.

MC 110988 (Sub-83) (M1F) (notice of filing of petition to remove restrictions), filed January 9, 1980. Petitioner: SCHNEIDER TANK LINES, INC., 4321 W. College Ave., Appleton, WI 54911. Representative: John R. Patterson, 2480 E. Commerce Blvd., Ft. Lauderdale, FL 33308. Petitioner holds a motor *common carrier* Certificate in MC 110988 (Sub-83) issued December 1, 1965, authorizing transportation over irregular routes, of *commodities in bulk*, having an immediate prior movement by rail or water (except cement), between points in WI (except Superior, WI), restricted

against the transportation of dry phosphate, phosphate compounds, and salt, from Alma, La Crosse, and Prairie du Chien, WI, to points in WI. By instant petition, petitioner seeks to modify the above certificate by removing all restrictions, exceptions, and limitations so that it will read "commodities in bulk, between points in WI".

MC 112298 (Sub-2) (M1F) (notice of filing of petition to remove restriction), filed January 9, 1980. Petitioner: RAY'S GARAGE, INC., 14429 West Hwy 24, Hales Corner, WI 53130. Representative: Shirley Salentine (same address as applicant). Petitioner holds a motor *common carrier* Certificate in MC 112298 (Sub-2) issued April 6, 1973, authorizing the transportation by motor vehicle, of *wrecked and disabled vehicles, and replacement vehicles*, by use of wrecker equipment, between points in WI, on the one hand, and, on the other, points in AZ, AL, AR, CO, CT, NC, SC, ND, SD, DE, FL, GA, ID, IL, IA, KS, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NH, NJ, NY, OK, PA, RI, TN, TX, UT, VT, VA, WV, WI, WY, and DC. By the instant petition, petitioner seeks to modify the commodity description by deleting the restriction "by use of wrecker equipment".

MC 117119 (Sub-632) (M1F) (notice of filing of petition to modify certificate), filed May 10, 1979. Petitioner: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: Martin M. Geffon, P.O. Box 156, Mt. Laurel, NJ 08054. Petitioner holds a motor *common carrier* Certificate in MC 117119 (Sub-632) issued June 5, 1978, authorizing transportation over irregular routes, of *confectionery, cocoa, chocolate, and products related thereto, materials, equipment, and supplies* used in the manufacture, production, distribution, and sale of the above-named commodities, from the plantsites and storage facilities of Hershey Foods Corporation, at Derry Township, Dauphin County, PA, to points in OK, TX, WI, IL, IA, AR, OR, CA, MT, UT, AZ, CO, MN, NE, MO, ID, KS, ND, SD, WA, and Memphis, TN. By the instant petition, petitioner seeks (1) to change the commodity description to read "foodstuffs" and (2) to add the additional origin point of "East Hempfield Township, Lancaster County, PA" to the territorial description.

MC 130438 (M2F) (notice of filing of petition to modify broker's license), filed February 15, 1980. Petitioner: DELORES P. LARSON, d.b.a. AMERICAN MOTOR COACH TOURS, 1681 Cape Ave. East, St. Paul, MN 55109. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101.

Petitioner holds a license in MC 130438, issued April 23, 1979, authorizing operations as a *broker*, at St. Paul, MN, of *passengers and their baggage*, in special and charter operations, between points in the United States, including AK, but excluding HI. By the instant petition, petitioner seeks to delete St. Paul, MN as the point at which it can engage in the above operations, and substitute in lieu thereof "points in Hennepin and Ramsey Counties, MN."

MC 133157 (M1F) (notice of filing of petition to delete a restriction), filed August 20, 1979. Petitioner: HOAGY WRECKER SERVICE, INC., 5418 South Calhoun St., Ft. Wayne, IN 46807. Representative: James E. Hoagland (same address as applicant). Petitioner holds motor *common carrier* certificate in MC 133157, issued January 10, 1978, authorizing transportation over irregular routes, of (1) *used motor vehicles*, to be used as replacements for wrecked or disabled motor vehicles, in truckaway service, and motor vehicle parts, accessories, supplies, and materials, for use in connection with repairing and reconditioning of disabled or wrecked motor vehicles, from points in Indiana, to points in Pennsylvania, Ohio, Michigan, Illinois, Wisconsin, Kentucky, and Tennessee; and (2) *wrecked or disabled motor vehicles*, from points in Pennsylvania, Ohio, Michigan, Illinois, Wisconsin, Kentucky, and Tennessee, to points in Indiana, restricted to the transportation of traffic by wrecker equipment only. By the instant petition, petitioner seeks to delete the restriction which reads "restricted to the transportation of traffic by wrecker equipment only".

MC 133259 (Sub-7) (M1F) (notice of filing of petition to modify certificate), filed January 23, 1980. Petitioner: ALLIED AIR FREIGHT CORPORATION, Griswold Industrial Park, Williston, VT 05495. Representative: David M. Marshall, 101 State Street, Suite 304, Springfield, MO 01103. Petitioner holds a motor *common carrier* Certificate in MC 133259 (Sub-7), issued January 3, 1978, authorizing transportation over irregular routes, of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those which because of size or weight require the use of special equipment and alcoholic beverages), between Burlington, VT., on the one hand, and on the other, points in Vermont, points in Grafton, Sullivan, Merrimack, Cheshire and Coos Counties, NH, and points in Clinton, Essex, Franklin, St. Lawrence, Warren,

Washington, Rensselaer and Saratoga Counties, NY. By the instant Petition, petitioner seeks to modify that territorial description to read: "Between points in Grafton, Sullivan, Merrimack, Cheshire and Coos Counties, NH, and points in Albany, Clinton, Essex, Franklin, St. Lawrence, Warren, Washington, Rensselaer and Saratoga Counties, NY, and points in VT."

MC 134477 (Sub-94) (M1) (notice of filing of petition to amend certificate), filed August 16, 1979. Petitioner: SCHANNO TRANSPORTATION, INC., P.O. Box 43496, St. Paul, MN 55164. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Petitioner holds motor *common carrier* authority in MC 134477 (Sub-94), issued May 16, 1977, authorizing the transportation over irregular routes of *foodstuffs* (except in bulk), from the plant site and warehouse facilities of Jen's, Inc., located at or near Sodus, MI, to points in Arkansas, Connecticut, Delaware, Iowa, Kansas, Maine, Maryland, Massachusetts, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Restriction: The operations authorized herein are restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. By the instant petition, Petitioner seeks to change the facility name to Wilderness Foods, Inc., in lieu of Jen's Inc.

MC 136899 (M1F) and (Sub-1) (M1F), 7 (M1F), and 12 (M1F) (notice of filing of petition to modify certificates), filed January 17, 1980. Petitioner: HIGGINS TRANSPORTATION, LTD., P.O. Box 192, Richland Center, WI 53581. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703. Petitioner holds motor *common carrier* Certificates in (1) MC 136899, issued July 23, 1973, as corrected, authorizing transportation, as pertinent, over irregular routes, of *signs, sign parts, sign poles, and electrical advertising displays*, from Los Angeles, CA, to points in the United States (except AK, CA, and HI); (2) MC 136899 (Sub-1), issued January 8, 1974, authorizing transportation, as pertinent, over irregular routes, of *signs, sign poles, electrical advertising displays, and fiber glass products*, from Elk Grove Village, Burr Ridge, and West Chicago, IL, to points in the United States (except AK and HI), restricted against the transportation of traffic originating at the plant site of Acme Wiley Corporation at Elk Grove Village, IL; (3)

MC 136899 (Sub-7), issued September 10, 1974, authorizing transportation, as pertinent, over irregular routes, of *signs, sign poles, electrical advertising displays, and fiberglass products*, from Milwaukee, WI, to points in the United States (except AK and HI); and (4) MC 136899 (Sub-12), issued July 22, 1975, authorizing transportation over irregular routes, of *signs, sign parts, sign poles, sign pole parts, electrical advertising displays and accessories* when moving therewith, from Arlington, TX, to points in the United States (except AK and HI). By the instant petition, petitioner seeks in each of the above certificates to delete the commodity description "electrical advertising display," and substitute in lieu thereof "displays".

MC 139261 (M2F) (notice of filing of petition to modify permit); filed January 12, 1979. Petitioner: BUCKEYE EXPRESS, INC., P.O. Box 368, Willis Day Industrial Park, Perrysburg, OH 43551. Representative: Michael M. Briley, 1200 Edison Plaza, 300 Madison Ave., P.O. Box 2088, Toledo, OH 43603. Petitioner holds motor contract carrier authority in MC 139261, issued May 12, 1978, authorizing transportation, over irregular routes, of (1) *such merchandise as is dealt in by wholesale, retail, chain grocery, and food business houses, institutions, catalogue show room stores, and home center stores* (except commodities in bulk), and (2) *equipment, materials, and supplies* used in the preparation and distribution of the commodities described in (1) above (except commodities in bulk), between Perrysburg, OH, on the one hand, and, on the other, points in the United States (except AK and HI), under a continuing contract(s) in (1) and (2) above with International Automated Machines, Inc., and Seaway Foodtown, Inc., of Perrysburg, OH. By the instant petition, petitioner seeks to modify the above authority by adding Tara Foods Company, Inc. as an additional contracting shipper.

MC 140612 (Sub-60F) (M1F) (notice of filing of petition to modify certificate), filed December 20, 1979. Petitioner: ROBERT F. KAZIMOUR, P.O. Box 2201, Cedar Rapids, IA 52406. Representative: A. J. Swanson, 226 N. Phillips Avenue, P.O. Box 1103, Sioux Falls, SD 57103. Petitioner holds a motor common carrier certificate in MC 140612 (Sub-60F), issued December 13, 1979, to operate in interstate or foreign commerce, over irregular routes, transporting *General Commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, in tank vehicles, and those requiring

special equipment), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities used by Ralston Purina Company. By the instant petition, petitioner seeks to modify the authority as follows: change the restriction to read: restricted to the transportation of traffic originating at or destined to the facilities used by (1) Ralston Purina Company, (2) Carnation Company, (3) DuraVent Corporation, (4) General Electric Company, (5) The Clorox Company, and (6) Cargill, Incorporated.

MC 141426 (MIF) (notice of filing of petition to remove restriction), filed November 6, 1979. Petitioner: WHEATON CARGAGE CO., a corporation, Millville, NJ 08332. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. Petitioner holds a motor contract carrier permit in No. MC 141426, issued May 3, 1978, authorizing transportation over irregular routes, of *glass, metal, plastic, paper, wax, clay, feldspar, and wood products, foodstuffs, anti-pollution and biochemical apparatus, products used in radiological research, organic chemistry kits, talc, candles, pottery, chinaware, ceramics, gift items, materials and supplies used in the repair and maintenance of boats, machinery, parts and accessories for all of the above-described commodities, and materials, equipment and supplies used or useful in the production, sale, and distribution of the above-named commodities*, between the facilities utilized by Wheaton Industries, Decora, Inc., Dorchester Industries, Inc., and Wheaton Injection Molding Co., located in Cumberland, Ocean, Atlantic, Gloucester, Mercer, Salem, Camden, and Cape May Counties, NJ, on the one hand, and, on the other, points in NY, NJ, NH, MI, IN, KY, WV, IL, WI, MO, MN, KS, IA, NE, ND, SD, and WY. Restriction: the authority granted herein is subject to the following conditions: This authority is restricted against the transportation of commodities in bulk, in tank vehicles. The authority granted herein is limited to a transportation service to be performed under a continuing contract(s) with Wheaton Industries, Dorchester Industries, Inc., and Decora, Inc., of Millville, NJ, and Wheaton Injection Molding Co., of Williamstown, NJ. By the instant petition, petitioner seeks to modify the authority herein by deleting the restriction which reads: restriction: "This authority is restricted against the transportation of commodities in bulk, in tank vehicles."

MC 141599 Sub-1 (M1F) (notice of filing of petition to modify certificate), filed June 3, 1979. Petitioner: MOUNTAIN PACIFIC TRANSPORT (EDMONTON), LTD., d.b.a. SHADOW LINES, 241 Schoolhouse St., Coquitlan, British Columbia, Canada V3K 4X9. Representative: George R. LaBissoniere, 1100 Norton Bldg., Seattle, WA 98104. Petitioner holds a motor common carrier Certificate in No. MC 141599 Sub 1 issued October 6, 1979, authorizing transportation over irregular routes, of *lumber and lumber and wood products*, (except commodities in bulk), between ports of entry on the United States-Canada Boundary line located at or near Blaine and Sumas, WA, on the one hand, and, on the other, points in OR and WA.

By the instant petition, petitioner seeks to eliminate the named ports of entry on the U.S./Canada boundary line in WA, so as to operate through any port of entry in WA.

MC 141932 Sub-6F (M1F), (notice of filing of petition to modify certificate), filed September 7, 1979. Petitioner: POLAR TRANSPORT, INC., 176 King Street, Hanover, MA 02339. Representative: A. C. Gardner (same address as applicant). Petitioner holds a motor common carrier certificate in MC-141932 Sub 6F, issued September 26, 1979, to operate in interstate or foreign commerce, over irregular routes, transporting *paper, paper products, dispenser boxes, materials, equipment, and supplies* used in the operation of paper mills (except commodities in bulk, and commodities, the transportation of which, because of size and weight, require the use of special equipment), between facilities of Georgia-Pacific Corp., at points in IL, IN, IA, MI, (except Kalamazoo), MO, NY, OH, PA, VT, and WI, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX, (except Crosett, AR), restricted to the transportation of traffic originating at or destined to the named facilities. By the instant petition, petitioner seeks to modify the authority as follows: Shipper Georgia-Pacific Corp has acquired Hudson Pulp and Paper Corporation as a wholly owned subsidiary, with plants located in NC, FL, AR, VA and NY, modification to include service to new plant sites.

MC 142123 Sub-1 (M1F) (notice of filing of petition to modify certificate), filed September 4, 1979. Petitioner: WELTMEYER AND SONS, INC., 14800 Vine, Harvey, IL 60426. Representative: Joseph C. Freegeau (same address as applicant). Petitioner holds a motor common carrier Certificate in MC-

142123 Sub 1, issued November 15, 1977, to operate in interstate or foreign commerce, over irregular routes, transporting *Wrecked, disabled, and repossessed vehicles, and replacement vehicles* for such wrecked or disabled vehicles, by wrecker equipment, between points in IL, IN, IA, KY, MI, MO, OH, PA, WV, and WI. This certificate is issued pursuant to an application filed after November 23, 1973, and in accordance with 49 CFR 1065 may not be tacked or joined with the carrier's other irregular-route authority unless specifically authorized herein. By the instant petition, petitioner seeks to modify the authority as follows: delete the wording *by wrecker equipment*.

MC 143707 (MIF) (Notice of filing of petition to remove restriction), filed September 13, 1979. Petitioner: KENNEDY ENTERPRISES, INC., 2420 Diana Dr., Hallandale, FL 33009. Representative: Frank J. Hathaway, 7615 Biscayne Blvd., Miami, FL 33138. Petitioner holds a motor common carrier certificate in No. MC 143707, issued November 30, 1978, authorizing transportation over irregular routes, of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Dade, Broward, and Palm Beach Counties, FL, restricted to the transportation of shipments having a prior or subsequent movement by rail. By the instant petition, petitioner seeks to modify the authority herein by deleting the restriction.

MC 144109 (MIF) (Notice of filing of petition to modify certificate), filed October 31, 1979. Petitioner: FINE ARTS EXPRESS, INC., P.O. Box 72, Wellesley Hills, MA 02181. Representative: David M. Marshall, 101 State Street, Suite 304, Springfield, MA 01103. Petitioner holds a motor common carrier certificate in MC 144109 issued November 8, 1978, authorizing transportation by motor vehicle, in interstate or foreign commerce, over irregular routes, of *paintings, statues, cultural artifacts, antiques, tapestries, objects of art, and materials and supplies and equipment used in the display or distribution of the foregoing commodities*, in other than armored vehicles, between New York, NY, Philadelphia, PA, Baltimore, MD, Providence, RI, Massachusetts, and the District of Columbia, points in Connecticut, on the one hand, and, on the other, points in the United States east of Minnesota, Iowa, Missouri, Arkansas and Louisiana. By the instant

Petition, the Petitioner seeks to modify that territorial description to read: "Between points in the United States."

MC 145106 (MIF), (Notice of filing of petition to add additional contracting shippers), filed November 6, 1979. Petitioner: EDINA CARTAGE CO., a corporation P.O. Box 42, Mauricetown, NJ 08329. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, DC 20001. Petitioner holds motor contract carrier authority in Permit MC-145106 Sub 8, issued July 6, 1979, authorizing transportation, by motor vehicle, in interstate or foreign commerce, over irregular routes, of (1) *empty containers*, (2) *parts and accessories for containers*, and (3) *materials, equipment, and supplies* used in the manufacture and sale of the commodities in (1) and (2) above, (except commodities in bulk), (a) between the facilities of Northwestern Bottle Company, at or near Little Rock, AR, and Lenexa, KS, on the one hand, and, on the other, points in the United States (except AK and HI), and (b) between points in IL, IN, MN, MO, NJ, NY, OH, OK, PA, and WI, on the one hand, and, on the other, points in the United States (except AL and HI), under continuing contract(s) in (1), (2), and (3) above, with Northwestern Bottle Company, of St. Louis, MO. By the instant petition, petitioner seeks to modify the permit by adding Wheaton Industries, and Decora, Inc., both of Millville, NJ, and Wheaton Injection Molding Co., of Williamstown, NJ, as additional contracting shippers in (1), (2), and (3) above.

MC 145467 Sub-2 (MIF) (notice of filing of petition to add a supporting shipper), filed December 11, 1979. Petitioner: D & N ENTERPRISES, INC., P.O. Box 2228, Idaho Falls, ID 83401. Representative: Timothy R. Stivers (same address as applicant). Petitioner holds motor contract carrier authority in Permit MC-145467 Sub 2, issued November 30, 1979, authorizing transportation, over irregular routes, of *lumber and lumber mill products*, from points in ID, WA, OR, those in MT west of Interstate Hwy 15, and those in CA north of Interstate Hwy 80, to points in WY and CO, under continuing contract(s) with Denver Reserve Supply Co., of Denver, Co. By the instant petition, petitioner seeks to modify the permit by adding Dier Lumber Co., Inc., of Oceanside, CA, as an additional contracting shipper.

Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by

order of Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register**.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 115669 Sub-187F (republishing), filed May 8, 1979, published in **Federal Register** issue September 27, 1979. Applicant: DAHLSTEN TRUCK LINE, INC., 101 W. Edgar St., P.O. Box 95, Clay Center, NE 68933. Representative: Wilbur G. Hoyt (same address as applicant). A decision of the Commission, Division 1, decided February 11, 1980, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier*, by motor vehicle, transporting (1) *anhydrous ammonia and liquid fertilizer* (except anhydrous ammonia), from Aurora and Hoag, NE, to points in CO, IA, KS, MN, NE, MO, OK, SD, and WY. The purpose of this decision is to eliminate the facility restriction as published in the decision notice of September 27, 1979.

Motor Carrier Operating Rights Applications

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *General Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a *petition to intervene either with or without leave* must be filed with the Commission within 30 days after the date of publication in the **Federal Register** with a copy being furnished the applicant. Protests to these applications *will be rejected*.

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks

authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(1). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 Fed. Reg. 50908, as modified at 43 Fed. Reg. 60277. Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

MC 109538 (Sub-35F), filed June 18, 1979. Applicant: CHIPPEWA MOTOR FREIGHT, INC., 100 East 41st Street, P.O. Box 850, Sioux Falls, SD 57101. Representative: Carl Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving points in Barron, Buffalo, Burnett, Chippewa, Clark, Dunn, Eau Claire, Jackson, La Crosse, Marathon, Monroe, Pepin, Pierce, Polk, Price, Rusk, St. Croix, Sawyer, Taylor, Trempealeau, Washburn, and Wood Counties, WI, as off-route points in with applicant's otherwise authorized regular route operations. (Hearing site: Chicago IL, or Sioux Falls, SD.)

Office of Proceedings, Permanent Authority Decisions Volume; Decision-Notice

Decided: March 10, 1980.

The following broker, freight forwarder or water carrier applications are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register**. Failure to file a protest within 30 days will be considered as a waiver of opposition to the application. A protest under these rules shall comply with Rule 247(e)(3) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, as specifically noted below), and specify with particularity the facts, matters, and things relied upon. The protest shall not include issues or allegations phrased generally. A protestant shall include a copy of the specific portion of its authority which it believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use this authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission. A copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the

Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is either (a) required by the public convenience and necessity, or, (b) will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 2, Members Liberman, Eaton, and Jensen. Member Jensen not participating.

Freight Forwarders

FF 518F, filed July 9, 1979. Applicant: TRANS-GULF FORWARDERS, INC., 120 South Central Ave., St. Louis, MO 63105. Representative: Edward K. Wheeler, 1729 H St., NW., Washington, DC 20006. To operate in interstate commerce, as a *freight forwarder*, through the use of the facilities of common carriers by water, of *general commodities*, from those points on the Mississippi River, the Harvey Canal, the Inner-Harbor Navigation Canal, and the Mississippi River—Gulf Outlet, in LA, to those points on the Cumberland River in TN and KY, those on the Mississippi River in AR, IL, IA, KY, MN, MS, MO, TN, and WI, those on the Missouri River

in MO, KS, NE, and IA, those on the Ohio River in IL, IN, KY, OH, PA, and WV, those on the Tennessee River in AL, KY, MS, and TN, those on the Illinois Waterway and on Lake Michigan between and including South Chicago, IL, and Burns Harbor, IN, in IL and IN, and those on the McClellan-Kerr Arkansas River Navigation System in AR and OK. (Hearing site: Washington, DC, or St. Louis, MO.)

FF 520F, filed August 16, 1979. Applicant: PAN AMERICAN FORWARDING, INC., 18420 South Santa Fe Ave., Compton, CA 90221. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, DC 20006. To operate in interstate commerce as a freight forwarder of (1) *used household goods and unaccompanied baggage*, and (2) *used automobiles*, between points in the United States (including HI, but excluding AK), restricted in (2) above to the transportation of import-export traffic. **CONDITION:** The person or persons engaged in common control of applicant and another regulated carrier must file an application for approval under 49 U.S.C. § 11343, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Los Angeles, CA.)

FF 521F, filed September 19, 1979. Applicant: HARBOUR FORWARDING CO., INC., 86 Maple St., P.O. Box 4, Sugar Grove, IL 60554. Representative: Wilmer D. Hill, 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, DC 20001. To operate in interstate commerce as a freight forwarder of (1) *used household goods and unaccompanied baggage*, and (2) *used automobiles*, between points in the United States including AK and HI, restricted in (2) above to the transportation of import-export traffic. **CONDITION:** The person or persons engaged in common control of applicant and another regulated carrier must file an application for approval under 49 U.S.C. § 11343, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Chicago, IL, or Washington, DC.)

Brokers (Passenger)

MC 130771F, filed December 28, 1979. Applicant: STAGECOACH TOURS, INC., 40 Randolph Dr., Dix Hills, NY 11742. Representative: Arnold Heller (same address as applicant). To engage in operations, in interstate or foreign commerce, as a broker, at Dix Hills, NY, in arranging for the transportation by motor vehicle, of *passengers and their baggage*, in special and charter operations, beginning and ending at New York, NY, and extending to points

in the US (including AK and HI). **NOTE:** Applicant is cautioned that arrangements for charter parties or groups should be made in conformity with the requirements set forth in *Tauck Tours, Inc., Extension-New York, N.Y.*, 54 M.C.C. 291 (1952). (Hearing site: New York, NY.)

MC 130781F, filed February 8, 1980. Applicant: FRANK E. WETZEL, d.b.a. FRANKLIN TOURS, 1682 El Cerrito Court, San Luis Obispo, CA 93401. To engage in operations, in interstate or foreign commerce, as a broker, at San Luis Obispo, CA, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in special and charter operations, beginning and ending at points in San Luis Obispo, San Benito, and Santa Barbara Counties, CA, and extending to points in the US (including AK and HI). (Hearing site: San Luis Obispo or Los Angeles, CA.)

Note.—Applicant is cautioned that arrangements for charter parties or groups should be made in conformity with the requirements set forth in *Tauck Tours, Inc., Extension-New York, N.Y.*, 54 M.C.C. 291 (1952).

Office of Proceedings, Permanent Property Broker Authority Decisions; Decision-Notice

Decided: March 10, 1980.

The following applications are governed by 49 CFR 1045A. Applicants seek to obtain authority to operate as brokers of motor carrier transportation of general commodities (except household goods) between all points in the United States. The full text and explanation of the rules are contained at 44 F.R. 53513.

The sole issue upon which these applications can be protested is the fitness of applicant (or business associates) to perform the service. Protests (an original and one copy) must be filed with the Commission within 30 days of the Federal Register publication. The protest must contain the *specific facts* being relied upon to challenge fitness, and must contain a certification that it has been served concurrently upon applicant's representative, or, if none is listed, upon the applicant. Applicant may file a reply statement to any protest. The filing of these statements will complete the record, unless it is later determined that more evidence must be supplied.

Further processing steps will be by Commission notice, decision, or latter which will be served on each party of record.

Findings: With the exception of those applications involving duly noted problems (e.g., unresolved fitness questions), we find, preliminarily, that

each applicant has demonstrated that its proposed service is consistent with the public interest and the transportation policy of 49 U.S.C. 10101, and that each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this action will not significantly affect the quality of the human environment or conservation of energy resources.

In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 2, Members Liberman, Eaton, and Jensen. Member Jensen not participating.

MC 130665F, filed November 8, 1979. Applicant's name and address are JAMES A. EVANGELIST, P.O. Box 41490, Cincinnati, OH 45241. The name under which operations will be performed is JAMES A. EVANGELIST. Applicant is represented by Kevin R. Reichley in this proceeding whose address is 50 West Broad St., Columbus, OH 43215. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: None. The daily operations will be managed by applicant. Applicant is affiliated with the following shipper or warehouse: None.

MC 130789F, filed February 21, 1980. Applicant's name and address are GLOBAL VAN LINES, INC., Number One Global Way, Anaheim, CA 92803. The name under which operations will be performed is GLOBAL VAN LINES, INC. Applicant is represented by Alan F. Wohlstetter, in this proceeding, whose address is 1700 K St., NW., Washington, DC 20006. Following are the names and business addresses for all persons who

are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Officers are (1) Herbert H. Caldwell, V.P. High Value Products (same address as applicant), (2) Herbert A. Clark, V.P. Traffic (same address as applicant), (3) James C. Corbett, V.P. Marketing & Advertising (same address as applicant), (4) Daniel B. Dempster, V.P. Agency Relations (same address as applicant), (5) Frank Fritch, Treasurer (same address as applicant), (6) Richard H. Gorbett, V.P. Sales (same address as applicant), (7) Robert O. Hasler, V.P. (same address as applicant), (8) D. D. Heydlauff, V.P. (same address as applicant), (9) C. A. Kaczmarek, V.P. (same address as applicant), (10) Charles M. Kelly, V.P. West Region (same address as applicant), (11) Nick Lechiara, V.P. Transporting (same address as applicant), (12) James H. Leonard, V.P., 4610 Shattuck Ave., Oakland, CA 94609, (13) Kenneth S. Ogden, General Counsel/Assistant Secretary (same address as applicant), (14) E. W. Schumacher, President (same address as applicant), (15) E. Gordon Scott, Executive V.P. (same address as applicant), (16) T. E. Shelby, V.P. Southwest Region, P.O. Box 11, Nicoma Park, OK 73066, (17) Edward Sholtis, V.P. Operations (same address as applicant), (18) Larry A. Stanley, V.P. Operations (same address as applicant), (19) Eugene Taylor, V.P. Northeast Region, 653 Mountain Avenue, North Caldwell, NJ 07006, (20) James W. Thompson, V.P. Southeast Region, P.O. Box 47663, Doraville, GA 30340, (21) J.H. Waspi, V.P./Secretary (same address as applicant), (22) Robert Watson, V.P. Maintenance (same address as applicant), and (23) Carl Vance, V.P. Midwest Region, 1240 Atlas Lane, Naperville, IL 60540; Directors are (1) Donald D. Heydlauff, Chairman of the Board (same address as applicant), (2) E.W. Schumacher (same address as applicant), (3) E. Gordon Scott (same address as applicant), (4) B. Edwin Mills, 11480 Anaheim Drive, Dallas, TX 75229, and (5) Peter Kartovsky, 706 Howard Ave., Bridgeport, CT 06605; First five principal shareholders are (1) Donald D. Heydlauff (same address as applicant), (2) E. Gordon Scott (same address as applicant), (3) E. W. Schumacher (same address as applicant), (4) Pamela K. Frazee, 2610 Stamford Dr., Rancho Mirage, CA 92270, and (5) James R. Heydlauff, 13 Randolph Crescent, London W. 9, England. The daily operations will be managed by E. W. Schumacher whose business address is the same as applicant. Applicant is

affiliated with the following shipper or warehouse: None.

Office of Proceedings Permanent Authority Decisions, Decision-Notice, Substitution Applications: Single-Line Service for Existing Joint-Line Service

Decided: March 12, 1980.

The following applications, filed on or after April 1, 1979, are governed by the special procedures set forth in Part 1062.2 of Title 49 of the Code of Federal Regulations (49 CFR 1062.2).

The rules provide, in part, that carriers may file petitions with this Commission for the purpose of seeking intervention in these proceedings. Such petitions may seek intervention either with or without leave as discussed below. However, all such petitions must be filed in the form of verified statements, and contain all of the information offered by the submitting party in opposition. Petitions must be filed with the Commission within 30 days of publication of this decision-notice.

Petitions for intervention without leave (i.e. automatic intervention), may be filed only by carriers which are, or have been, participating in the joint-line service sought to be replaced by applicant's single-line proposal, and then only if such participation has occurred within the one-year period immediately preceding the application's filing. Only carriers which fall within this filing category can base their opposition upon the issue of the public need for the proposed service.

Petitions for intervention with leave may be filed by any carrier. The nature of the opposition; however, must be limited to issues other than the public need for the proposed service. The appropriate basis for opposition, i.e. applicant's fitness, may include challenges concerning the veracity of the applicant's supporting information, and the bona-fides of the joint-line service sought to be replaced (including the issue of its substantiality). Petitions containing only unsupported and undocumented allegations will be rejected.

Petitions not in reasonable compliance with the requirements of the rules may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not*

be accepted after the date of this publication.

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) (formerly section 210 of the Interstate Commerce Act).

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice,

or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 4, Members Fitzpatrick, Fisher, and Felder. Member Felder not participating.

MC 29910 (Sub-235F), filed October 15, 1979. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th St., Fort Smith, AR 72901.

Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Ave., Fort Smith, AR 72902. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except commodities in bulk, those of unusual value, class A and B explosives, household goods as defined by the Commission, and those requiring special equipment), between New Orleans and Baton Rouge, LA (1) over U.S. Hwy 61 and (2) from New Orleans over LA Hwy 48 (formerly LA Hwy 1) to junction LA Hwy 44 (formerly LA Hwy 44 1), then over LA Hwy to junction LA Hwy 30 (formerly LA Hwy 1), then over LA Hwy 30 to junction LA Hwy 73 (formerly LA Hwy 1), then over LA Hwy 73 to junction U.S. Hwy 61 at or near Prairieville, LA, then over U.S. Hwy 61 to Baton Rouge, and return over the same route, serving all intermediate points. (Hearing site: New Orleans, LA.)

Note.—Applicant intends to tack this authority with its existing authority. The sole purpose of this application is to substitute single-line for joint-line operations.

MC 111231 (Sub-285F), filed September 25, 1979. Applicant: JONES TRUCK LINES, INC., 610 East Emma Ave., Springdale, AR 72764. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Ave., Fort Smith, AR 72902. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring the use of special equipment), between Oklahoma City, OK and Amarillo, TX, from Oklahoma City, OK over I-40 and U.S. Hwy 66 to Amarillo, TX and return over the same route, service no intermediate points. (Hearing site: Oklahoma City, OK.)

Note.—Applicant intends to tack this authority with its existing authority. The sole purpose of this application is to substitute single-line for joint-line operations.

MC 111231 (Sub-287F), filed September 25, 1979. Applicant: JONES TRUCK LINES, INC., 610 East Emma Ave., Springdale, AR 72764. Representative: Don A. Smith, P.O. Box

43, 510 North Greenwood Ave., Fort Smith, AR 72902. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring the use of special equipment), between Fort Smith, AR and Booneville, AR, from Fort Smith over U.S. Hwy 71 to Jct. AR Hwy 10, then over AR Hwy 10 to Booneville, and return over the same route, serving no intermediate points. (Hearing site: Little Rock, AR.)

Note.—Applicant intends to tack this authority with its existing authority. The sole purpose of this application is to substitute single-line for joint-line operations.

Motor Carrier Alternate Route Deviations

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this Federal Register notice.

Each applicant states that there will be no significant effect on either the quality of the human environment or energy policy and conservation.

Motor Carriers of Property

MC 2512 (Deviation 1), filed March 3, 1980. Applicant: CITY TRANSFER & STORAGE CO., 1152 Marine Drive, Astoria, OR 97103. Representative: Lawrence V. Smart, Jr., 419 N. W. 23rd Avenue, Portland, OR 97210. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Hwy 30 and OR Hwy 433 over U.S. Hwy 30 to Astoria, OR, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to carry the same commodities over a pertinent service route from junction of U.S. Hwy 30 and OR Hwy 433 over an interstate bridge to Longview, WA, then over WA Hwy 4 to junction WA Hwy 401, then over WA Hwy 401 to Megler, WA, then over Toll Bridge U.S. Hwy 101 to Astoria, OR.

MC 110683 (Deviation 7), SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, VA 24401, filed March 7, 1980. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Evansville, IN over U.S. Hwy 41 to junction IN Hwy 67, then over IN Hwy 67 to junction Interstate Hwy 65, then over Interstate Hwy 65 to junction Interstate Hwy 94, then over Interstate Hwy 94 to Chicago, IL and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Evansville, IN, over U.S. Hwy 41 to Henderson, KY, then over U.S. Hwy 60 to Louisville, KY, then over U.S. Hwy 31 to Indianapolis, IN, then over U.S. Hwy 52 to Kentland, IN, then over U.S. Hwy 41 to Chicago, IL.

MC 117465 (Deviation 1), filed March 3, 1980. Applicant: BEAVER EXPRESS SERVICE, INC., d.b.a. BEAVER EXPRESS, P.O. Box 151, Woodward, OK 73801. Representative: Lawrence T. Stone, (address same as applicant). Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities* (with usual exceptions), moving in express service, over a deviation route as follows: from Hugoton to Satanta, KS over U.S. Hwy 56 and return over the same route for operating convenience only. Carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Hugoton over U.S. Hwy 270 to Ulysses, thence over U.S. Hwy 160 to its jct. KS Hwy 190, thence over KS Hwy 190 to Satanta and return over the same route.

MC 117465 (Deviation 2), filed March 3, 1980. Applicant: BEAVER EXPRESS SERVICE, INC., d.b.a. BEAVER EXPRESS, P.O. Box 151, Woodward, OK 73801. Representative: Lawrence T. Stone (address same as applicant). Carrier proposes to operate as a *common carrier* by motor vehicle transporting *general commodities*, (with usual exceptions) moving in express service, over a deviation route as follows: from Johnson City to Elkhart, KS over KS Hwy 27 and return over the same route for operating convenience only. Carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Johnson City over U.S. Hwy 160 to Ulysses, thence over U.S. Hwy 270 to Hugoton, thence over U.S. Hwy 56 to Elkhart and return over the same route.

MC 117465 (Deviation 3), filed March 3, 1980. Applicant: BEAVER EXPRESS

SERVICE, INC., d.b.a. BEAVER EXPRESS, 2120 Webster Avenue (Box 151), Woodward, OK 73801. Representative: Lawrence T. Stone, Beaver Express, 2120 Webster Avenue (Box 151), Woodward, OK 73801. Carrier proposes to operate as a *common carrier*, by motor vehicles, of *general commodities*, with usual exceptions, moving in Express Service, over a deviation route as follows: From Johnson City, KS over KS Hwy 27 to its junction KS Hwy 51 (near Ritchfield) thence over KS Hwy 51 to Rolla, KS and return over the same routes for operating convenience only. Carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Johnson City KS over US Hwy 160 to Ulysses, thence over US Hwy 270 to Hugoton, KS, thence over US Hwy 56 to Rolla, KS.

Motor Carrier Intrastate Application(s)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

Louisiana Docket T-14570, filed February 28, 1980. Applicant: MURPHY BONDED WAREHOUSE, INC., 4002 Mainsfield Road (P.O. Box 3722), Shreveport, LA 71103. Representative: Edward A. Winter, 235 Rosewood River, Metairie, LA 70005. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation at irregular times in order to distribute in LTL or truckload quantities any and all merchandise handled through petitioner's warehouse in Shreveport, LA for the shippers, or from storage or pool distributions to destinations in Louisiana within a radius of 200 airline miles from petitioner's Shreveport warehouse. NOTE: Presently, applicant has authority under Docket No. MC-121718, same as above but limited to a radius of 125 airline miles from applicant's

Shreveport warehouse. This application would extend the airline distance by 75 airline miles. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to Louisiana Public Service Commission, Intrastate Program Manager, One American Place, Suite 1630, Baton Rouge, LA 70825, and should not be directed to the Interstate Commerce Commission.

New York docket T-942, filed January 28, 1980. Applicant: CLEVELAND'S TRUCK LINES, INC., R.D. 2, Hornell, NY 14843. Representative: William J. Hirsch, 43 Court Street, Buffalo, NY 14202. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General commodities, between all points in Allegany, Broome, Cattaraugus, Chemung, Erie, Genesee, Livingston, Monroe, Niagara, Schuylers, Steuben, Tioga, Wyoming and Yates Counties. Intrastate, interstate and foreign commerce authority sought. HEARING: Date, time and place not yet fixed. Requests for procedural information should be addressed to Department of Transportation, 1220 Washington Ave., State Campus Bldg. No. 4, Room G-21, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket T-2746, filed December 28, 1979. Applicant: STARKWEATHER FREIGHT LINES, INC., South Main Street, Albion, NY 14411. Representative: William J. Hirsch, 43 Court Street, Buffalo, NY 14202. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General commodities, between all points in Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Orleans, Ontario, Wayne and Wyoming. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to Department of Transportation, 1220 Washington Ave., State Campus Bldg. No. 4, Room G-21, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

Office of Proceedings, Permanent Authority Notices, Substitution Applications: Single-Line Service for Existing Joint-Line Service

The following applications, filed on or after April 1, 1979, are governed by the special procedures set forth in Part 1062.2 of Title 49 of the Code of Federal

Regulations (49 CFR 1062.2). These proposals are published as "service sought", (as opposed to decision-notices), because in each case it appears questionable as to whether all or part of the authority sought should be issued, weighing applicant's evidence under 49 CFR 1062.2. (For example, questions may be raised relating to applicant's contentions concerning why the involved joint-line service has been cancelled or is in a state of deterioration which warrant a decision on the merits, regardless of whether the application is opposed.)

The rules provide, in part, that carriers may file petitions with this Commission for the purpose of seeking intervention in these proceedings. Such petitions may seek intervention either with or without leave as discussed below. However, all such petitions must be filed in the form of verified statements, and contain all of the information offered by the submitting party in opposition. Petitions must be filed with the Commission within 30 days of publication of this decision-notice.

Petitions for intervention without leave (i.e., automatic intervention), may be filed only by carriers which are, or have been, participating in the joint-line service sought to be replaced by applicant's single-line proposal, and then only if such participation has occurred within the one-year period immediately preceding the application's filing. Only carriers which fall within this filing category can base their opposition upon the issue of the public need for the proposed service.

Petitions for intervention with leave may be filed by any carrier. The nature of the opposition, however, must be limited to issues other than the public need for the proposed service. The appropriate basis for opposition, i.e., applicant's fitness, may include challenges concerning the veracity of the applicant's supporting information, and the bona-fides of the joint-line service sought to be replaced (including the issue of its substantiality). Petitions containing only unsupported and undocumented allegations will be rejected.

Petitions not in reasonable compliance with the requirements of the rules may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not*

be accepted after the date of this publication.

MC 23618 (Sub-54F), filed July 25, 1979. Applicant: McALISTER TRUCKING COMPANY, a corporation, d.b.a. MATCO, 2041 South Treadway Blvd., P.O. Box 2377, Abilene, TX 79604. Representative: E. Larry Wells, Suite 1125, Exchange Park, P.O. Box 45538, Dallas, TX 75245. Authority sought to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *Machinery, equipment, materials and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof; (2) *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewage, restricted to the transportation of shipments moving to or from pipeline rights-of-way; (3) *earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection of removal of commodities into or from holes or wells; (4) *machinery, equipment, materials, and supplies* used in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines for the transportation of water and sewage, including the stringing and picking up of pipe; and (5) *machinery, equipment, materials, and supplies* used in, or in connection with, the drilling of water wells, between points in AZ, NM, TX, OK, KA, and LA, on the one hand, and on the other, points in CA. (Hearing site: Dallas or Fort Worth, TX.)

Note: The sole purpose of this application is to substitute single-line for joint-line operations.

MC 109638 (Sub-37F), filed June 6, 1979. EVERETTE TRUCK LINE, INC., P.O. Box 145, Washington, NC 27889. Representative: Cecil W. Bradley, P.O. Box 145, Washington, NC 27889. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *General Commodities*, from New York, NY; Newark, Bloomfield, and Sewaren, NJ; Biglerville and Philadelphia, PA; Wilmington, DE; Baltimore, MD; Richmond and Winchester, VA; to points and places in that part of North Carolina, west of U.S. Highway 1. From: Norfolk, VA to points and places in North Carolina. The sole purpose of this application is to substitute single line service for existing joint-line.

MC 121589 (Sub-5F), filed August 28, 1979. Applicant: N & W TRANSFER, INC., P.O. Box 188, Nehawka, NE 68413. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from Chicago, IL, to points in NE. (Hearing site: Omaha, NE.)

Note.—The sole purpose of this application is to substitute single-line for joint-line operations.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-9141 Filed 3-25-80; 8:45 am]

BILLING CODE 7035-01-M

[No. 37369]

Arizona Intrastate Rates and Charges—1980 (Fuel Cost Increase)

Decided: March 11, 1980.

By joint petition filed February 8, 1980, petitioners, Atchison, Topeka and Santa Fe Railway Company (Santa Fe), and Southern Pacific Railroad Company (SP), common carriers by railroad operating in intrastate commerce in Arizona, request that this Commission institute an investigation of their Arizona intrastate freight rates and charges, under 49 U.S.C. 11501, 11502 and 10704. Petitioners seek an order authorizing them to increase their intrastate rates and charges to the same levels authorized by this Commission for interstate rates in Ex Parte No. 311 (Sub-Nos. 1, 1A and 1B), *Expedited Procedures for Recovery of Fuel Costs* (not printed), served June 4 and 29, and July 23, 1979, respectively.

Petitioners have stated grounds sufficient to warrant instituting an investigation. Petitioners show that on August 6, 1979, SP filed an application with the Arizona Corporation

Commission requesting the same increases in its Arizona intrastate rates and charges. Subsequently, applications have been filed with the Arizona Commission by the other railroads serving Arizona, the last application by the Santa Fe on October 2, 1979. Hearings on these applications were held by the Arizona Commission on October 30, 1979. The Arizona Commission, however, has not finally acted on the applications within the 120-day period provided in 49 U.S.C. 11501.

It is ordered:

The petition for investigation is granted. An investigation, under 49 U.S.C. 11501, 11502, and 10704, is instituted to determine whether the Arizona intrastate rail freight rates cause any unjust discrimination against or any undue burden on interstate or foreign commerce, or cause undue or unreasonable advantage, preference, or prejudice as between persons or localities in intrastate commerce and persons or localities in interstate or foreign commerce, or are otherwise unlawful, by reason of the failure of such rates and charges to include the present interstate rate level. In the investigation we shall also determine if any rates or charges, or maximum or minimum charges, or both, should be prescribed to remove any unlawful advantage, preference, discrimination, undue burden, or other violation of law, found to exist.

All persons who wish to participate in the proceeding and to file and receive copies of pleadings shall notify the Office of Proceedings, Room 5342, Interstate Commerce Commission, Washington, DC 20423, on or before April 10, 1980. Although individual participation is not precluded, to conserve time and to avoid unnecessary expense, persons having common interests should consolidate their presentations to the extent possible. This Commission desires participation of only those who intend to take an active part in this proceeding.

As soon as practicable, after the last day for indicating a desire to participate in this proceeding, this Commission will serve a list of names and addresses of persons upon whom service of all pleadings must be made. Thereafter, this proceeding will be assigned for oral hearing or handling under modified procedure, as appropriate.

A copy of this order shall be served upon each of the respondents. Arizona shall be notified of the proceeding by sending copies of this order by certified mail to the Governor or Arizona and the Arizona Corporation Commission. Further notice of this proceeding shall be given to the public by depositing a

copy of this order in the Office of the Secretary of the Interstate Commerce Commission at Washington, DC, and by filing a copy with the Director, Office of the Federal Register, for publication in the **Federal Register**.

This decision will not significantly affect either the quality of the human environment or conservation of energy resources.

By the Commission, Gary J. Edles, Director,
Office of Proceedings.

James H. Bayne,
Acting Secretary.

[FR Doc. 80-9147 Filed 3-25-80; 8:45 am]

BILLING CODE 7035-01-M

[Directed Service Order No. 1398]

Kansas City Terminal Railway Co. Directed To Operate Over Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee); Compensation Agreement

Decided: March 17, 1980.

Our decision of September 26, 1979 directed the Kansas City Terminal Railway Company (KCT) to provide service as directed rail carrier (DRC) over the lines of the Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) (RI) under 49 U.S.C. 11125. See DSO 1398, *Kansas City Term. Ry. Co.—Operate—Chicago, R.I. & P.*, 360 I.C.C. 289, 290-292 (1979), 49 FR 56343 (October 1, 1979). This action was necessary to prevent severe transportation and economic disruptions in the Midwest which would have resulted from RI's lack of sufficient cash to operate and meet its common carrier obligations.

We directed the RI Trustee and KCT to attempt to reach agreements in several areas including use and rental of equipment; use of existing inventories of fuel, materials and supplies; reassignment of fuel allocation; and the like. All such agreements were to be subject to Commission approval. Further, we reserved the right to establish just and reasonable terms in the event the parties failed to agree. KCT has submitted a draft compensation agreement with RI. In turn, the RI Trustee has submitted a proposal with certain alternate or additional clauses. Many areas have been agreed upon by the parties. Those issues where some divergence of opinion remains will be discussed in this decision. All other provisions will be adopted.

Existing RI Obligations to Shippers and States

Prior to the imposition of directed service, the RI Trustee had negotiated agreements with certain shippers and States under which the shippers and States advanced funds for track and car rehabilitation. There were two types of agreements: one bound RI to repay the shippers or States on the basis of the railroads actual use of the track or car, and the other, a form of installment contract, requires RI to repay the debt on a fixed schedule of installment payments.

Under Section two of its draft compensation agreement, KCT proposes to pay only those amounts due to shippers and States from outstanding agreements based on a use formula. That is, no payment would be required under the KCT draft agreement to shippers or States whose contract provides for repayment under the installment plan. KCT relies on language from our Supplemental Order No. 2 (44 FR 58581, Oct. 10, 1979) which requires KCT " * * * repayment of monies advanced for car and track rehabilitation on a use basis covering property used by it to provide directed service * * * ". The Trustee objects to this proposal and contends that KCT should be responsible for both use and installment obligations.

KCT's interpretation of its obligation under directed service works an unfair distinction among shippers and States. Our language was meant to indicate a directed rail carrier's obligation to pay for the services it used. Here, both the use and installment contracts confer equal benefit. Funds advanced under both obligations were used for the rehabilitation of equipment and track. KCT is responsible for those charges incurred due to its operation under directed service. Therefore, we will approve the alternative proposal submitted by the RI Trustee which provides for KCT to pay amounts accruing during the period of directed service upon outstanding agreements between the Trustee and shippers or States on either an installment or use basis.

However, any payments relating to track and car rehabilitation made by KCT to shippers or States shall be credited against rental payments owed by KCT to RI covering the same equipment. In this manner KCT will not only bear the burden of these obligations but will be allowed to set-off the amount of its outlay against the payment of rent on this equipment.

Owned and Leased Equipment

KCT proposes to pay the RI Trustee for the use of its cars and locomotives (at the Commission established per diem and incentive per diem rates under Sections 3 and 4 of its draft compensation agreement). However, KCT does not propose to pay RI those rates for the use of cars and locomotives that were leased by the RI Trustee prior to directed service, but offers to pay only the existing rental payment for that equipment. KCT justifies this offer since lease payments are often substantially less than Commission established per diem and incentive per diem rates and payments of a higher sum to RI would result in a windfall.

Additionally, KCT does not propose to pay for cars and locomotives owned by RI that were in bad order on October 5, 1979, until the date that equipment was repaired and put in service. KCT also asserts a right against RI for lease payments it made on cars and locomotives leased by the Trustee prior to directed service that were in bad order or otherwise inoperable on October 5, 1979, until the property was repaired and put in service. This would be used as a set-off against lease payments due from KCT to RI on other equipment.

RI asserts that it should be compensated at per diem and incentive per diem rates for all cars and locomotives, whether owned or leased, for the total directed service period, except for those turned back to it by KCT pursuant to Supplemental Order No. 2. The RI Trustee argues that to rule otherwise would unfairly deprive the RI estate of any return it could have obtained by leasing non-owned cars and locomotives to other railroads. As to bad order cars and locomotives, the RI Trustee argues that he was deprived of the opportunity to repair and sublease those cars, whether KCT used them or not. Therefore, it is argued KCT should compensate RI at the higher rate.

KCT's proposal to pay only the rental amount for lease equipment appears sound. This places the Trustee in no worse a position than if there had been no directed service and RI had continued to use those cars and locomotives.

The Commission decision promulgating directed service regulations recognized a distinction between equipment owned by a defaulting carrier and equipment leased by it, and contemplated compensation only for the former. In *Implementation of Public Law 93-326, Section 601(c), Regional Rail Reorganization Act of 1973—Submission of Cost Data to*

Justify Reimbursement, 348 I.C.C. 251, 263 (1975), we stated:

"The inclusion of rental payments for necessary rolling equipment as a compensable cost would cover all payments whether made to the other (defaulting) carrier for use of its *owned* equipment, to a third carrier or to the directed carrier itself for traditionally leased equipment, or to the *actual owner* of the equipment necessary to the performance of directed service." (emphasis added).

This indicates that KCT is only obligated to the actual owner of the equipment for the sum necessary to provide for the performance of that equipment. Further, at the time we issued our initial directed service order in this matter we stated that the DRC shall make payments in accordance with lease agreements. Although we have the authority and responsibility to provide for whatever reimbursable costs are fair and appropriate, we are of the opinion that to allow for payments greater than the rental amount on lease equipment is excessive.

As for bad order equipment, again we favor the KCT view. The purpose of directed service is to ensure the temporary continuation of essential rail services over the lines of an impaired carrier, pending the development of longer range solutions. The directed carrier need not assume responsibility for all of the impaired carrier's obligations and property. The overriding legislative concern is continuation of rail services essential to the public interest and interstate commerce, not wholesale economic relief for the impaired carrier at taxpayer expense. Certainly it is inconsistent to require a directed carrier to provide essential rail service while imposing an obligation on it to care for unneeded, defective, and inoperable equipment. This same rationale would, out of necessity apply to providing a credit to KCT for RI leased bad order equipment.

There has been no showing to support the proposition that a directed rail carrier must pay for unusable equipment until it becomes usable. Further, we see no distinction between equipment that was turned back to the RI Trustee whether for security purposes or not.

Another matter involves a group of freight cars, passenger cars, locomotives, and work equipment under lease arrangements from private owners. Most of this equipment is operated by RI subject to lease requiring quarterly payments. Some lease payments are made in advance of the designated time period of operation and some at the end of the time period. These time periods have not always coincided with the period of directed

service. The failure to make timely payment on this equipment would result in its recall and the impairment of directed service.

In Authorization Order No. 4 [44 FR 63179, Nov. 2, 1979] we authorized KCT but did not order it to make payments on freight cars, passenger cars, locomotives, and work equipment leases as they became due during the period of directed service, including payments on leases covering the use of equipment which extended beyond the duration of directed service. Such payments were to be made directly to the lessor of the equipment. The cost of those payments was to be treated as a reimbursable cost of directed service.

KCT took the position that it would not make such payments so long as the Trustee retained the right to surrender the equipment as the end of directed service, enabling RI effectively to avoid any obligation for lease payments beyond the period of directed service.

Recently the Trustee agreed to give KCT a written statement that the lease payments by KCT attributable to a period after directed service may be offset against amounts due from KCT to the Trustee for use of equipment. Inasmuch as the amounts due the Trustee, even under KCT's conservative method of calculating compensation, are more than ample to cover the off-set, KCT is now prepared to make these payments. Therefore, the proviso included in Section 5 of the KCT draft compensation agreement will be stricken from the approved agreement.

Maintenance of Equipment

KCT accepts financial responsibility for repairs required to maintain serviceability of RI equipment, owned or leased, which has been used by KCT. However again, KCT proposes to exclude bad order stock. Additionally, KCT proposes a balancing test to determine the condition of the fleet before and after directed service to determine any liability to RI.

RI does not accept the KCT balancing test but proposes that KCT be held responsible for all repairs required to maintain the serviceability of all RI equipment. RI also objects to KCT's bad order exception arguing that KCT had a responsibility to repair bad order equipment. The Trustee also proposes that RI be paid "replacement cost new, less depreciation" for any equipment destroyed by KCT during the period of directed service.

Determining the condition of the fleet upon termination of directed service requires some balancing. In this manner, the condition of the fleet prior to directed service can be compared to its

condition at the termination. From this, it can be learned if either KCT or RI has benefited from the overall maintenance and upkeep of the equipment and who shall be required to make the other whole. It should be clear that this balancing of the condition of the RI fleet will not override Commission requirements in our various decisions requiring certain equipment repairs by KCT to be offset against amounts owing to the Trustee. Therefore, we will substitute language in Section 7 of the compensation agreement noting this fact.

As to replacement of destroyed equipment by KCT during the period of directed service, the RI proposal is excessively costly. Parties are instructed to settle such claims using the prevailing industry practices taking into account things such as the age and condition of the equipment. Although it is apparent that RI is entitled to compensation from KCT for destroyed equipment, RI's method of "replacement cost new, less depreciation" is unfair. That proposal would take into account an inflation factor from the time the equipment had been purchased to the present.

Also, RI has advanced no reason why KCT should be responsible for the repair of bad order equipment. Therefore, this shall not be considered when the balancing process is conducted.

Vacation Pay and Accruals

Both KCT and RI have submitted similar draft provisions concerning this topic. We will adopt the statement of rights concerning vacation pay and accruals submitted by RI because it is more complete.

However, the provision for the payment to the Trustee of an amount to cover vacations taken during 1981 representing a pro rata share of the portion of those vacations earned as a result of days worked for the KCT during 1980 must be eliminated. The Trustee has made it clear he does not intend to recommence rail operations at the end of the period of directed service. Thus any amount paid to the Trustee for this item would appear to be a windfall. If as a result of the settlement of labor claims against the Trustee in the reorganization process or by legislation direct liability is imposed upon the Trustee for payment of 1981 vacations as a result of 1980 directed service, we will authorize the KCT to reimburse the Trustee with respect to any such liability.

Wind Down Expenses

KCT has acknowledged responsibility in the general area of wind down expenses, particularly in matters

relating to the unloading of cars to make delivery to shippers, and getting foreign cars off-line and RI cars back on line. RI contends that KCT should be totally responsible for all expenses attributable to wind down of operations at the termination of directed service.

It is our view that KCT is responsible for wind down expenses associated with service to shippers and railroads, including clearing the line of all foreign and private cars by returning them to their owner. Foreign cars may also be delivered off-line at appropriate interchanges. All cars, both foreign and private shall be unloaded.

Further, any cost related to handling inbound cars shipped prior to the embargo date shall be borne by KCT when it requires spotting for the consignee; or diverting to alternate destinations, a nearby location or another railroad designated by shipper. If RI desired KCT to provide other services such as marshalling of equipment and securing cars, locomotives, and railroad facilities, they can be performed by KCT on a reimbursable basis.

Other Matters

In Section 2 of its draft compensation agreement KCT states that prepaid freight received by DRC during the period of directed service shall be allocated to the Trustee to the extent that the service covered by prepayment was not performed by DRC before the end of the directed service period. It appears likely RI will be unable to provide any service following the period of directed service and such a provision in the compensation agreement can only lead to confusion. Therefore, this statement will be struck.

We find that approval of the agreement, as modified, is essential to the provisions of directed service and that costs associated with implementation of the approved agreement are properly reimbursable costs of directed service under 49 U.S.C. 11125(b)(5). The approved agreement is set forth in the appendix to this decision.

Although we recognize that directed service is almost over, implementation of this agreement is necessary. It enumerates many of the financial rights and responsibilities of KCT and RI and establishes the division of fiscal responsibility.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. KCT's proposed compensation agreement is approved as modified above.

2. Costs associated with implementation of the approved compensation agreement shall be reimbursed pursuant to 49 U.S.C. 11125(b)(5).

3. This decision shall be effective on its service date.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, and Alexis.

James H. Bayne,
Acting Secretary.

Appendix—Agreement

This Agreement made as of this 5th day of October, 1979, by and between William M. Gibbons, as Trustee of Chicago, Rock Island & Pacific Railroad Company, Debtor, and Kansas City Terminal Railway Company, a Missouri corporation, as Directed Rail Carrier under Interstate Commerce Commission Emergency Directed Service Order No. 1398:

1. *Definitions.* The following terms shall have the meanings specified below for all purposes of this Agreement:

DRC—Kansas City Terminal Railway Company, as Directed Rail Carrier under Emergency Directed Service Order No. 1398, as amended and supplemented.

Employee—Any person employed to perform services in connection with directed service operations for DRC during the period of directed service, other than personnel furnished by DRC's management team railroads.

FRA—Federal Railroad Administration
ICC—Interstate Commerce Commission
Order—ICC Emergency Directed Service Order No. 1398, service date September 26, 1979, and any ICC or Railroad Service Board orders or authorizations supplementing, construing or amending Order No. 1398, whether heretofore or hereafter issued.

Period of Directed Service—The period commencing 12:01 A.M. on October 5, 1979, to and including 11:59 P.M. of the date on which DRC last performs directed service pursuant to the Order.

RI—William M. Gibbons, Trustee of Chicago, Rock Island & Pacific Railroad Company, Debtor.

RTA—Regional Transportation Authority.

State Attorneys—Lawyers engaged by Trustee in various states to handle RI legal matters.

Trustee—RI. 2. *Allocation of Receipts and Expenses.* Revenues paid or accrued and expenses incurred or accrued during the period of directed service will be allocated between DRC and Trustee in accordance with generally accepted accounting principles, subject to the following:

(a) Revenue receipts from sources which normally enter into the computation of railroad operating receipts, such as, but not limited to freight, passenger, switching and demurrage revenues, and payments under joint facility agreements, irrespective of when earned or accrued, shall be deposited in DRC's bank accounts from and after 12:01 A.M. October 5, 1979, until the end of the

period of directed service. Thereafter only such receipts as are attributable to DRC operations shall be deposited in DRC's bank accounts. All such receipts shall be allocated between DRC and Trustee, in accordance with generally accepted accounting principles, in order that the division of revenues will properly reflect the railroad operations performed by each party. Prepaid freight received by Trustee prior to the commencement of the period of directed service shall be charged against Trustee's share of revenues to the extent that the services covered by such prepayments were performed by DRC.

(b) Receipts from sources which do not normally enter into the computation of railroad operating receipts, such as, but not limited to rental payments for use of nonrailroad property crossings, use of air rights, easements and joint facility interest income, shall be solely vested in Trustee and deposited in his exclusive bank accounts.

(c) DRC is authorized to pay, through sight drafts or otherwise, obligations for services, materials and supplies:

(i) Which accrued partially before and partially after the period of directed service;

(ii) Which accrued or became payable during the period of directed service, but all or part of which are properly allocable to Trustee's operations following the termination of the period of directed service; and

(iii) Which are solely a preexisting obligation of Trustee which accrued or became payable prior to the period of directed service;

Provided that DRC in its sole discretion determines the payment of such obligations which are properly chargeable to Trustee to be necessary to insure continuation of essential railroad service. Payments made by DRC under this subparagraph (c) of obligations properly chargeable to Trustee shall be made by DRC as agent for Trustee. Net amounts paid by DRC pursuant to this subparagraph (c) on account of obligations properly chargeable to Trustee shall be an offset against Trustee's share of revenue receipts in accordance with paragraph 20 hereof.

(d) DRC is obligated to pay the following:

(i) Unpaid bills rendered by suppliers for services or materials contracted for by Trustee on projects funded in whole or in part by third parties, such payments to be paid DRC only upon receipt of, and in amounts not in excess of, the amount of such funds received by DRC; and

(ii) Amounts accruing during the period of directed service upon outstanding agreements between Trustee and shippers or states providing for installment or use repayment of monies advanced to Trustee for car and track rehabilitation of property used by DRC to provide directed service during the period of directed service.

3. *Lease of RI Owned Cars, Trailers and Auto Racks.* DRC will lease from Trustee all of RI's owned cars, trailers and auto racks, excluding, however, heavy bad order cars returned to Trustee under DRC's Report No. 1 to the ICC, at an amount per day equal to the daily standard per diem rates, including incentive per diem, in effect from time to time

during the period of directed service under ICC Docket 33-144, as hereafter amended or supplemented, or, if there are no applicable per diem rates specified for a particular leased item in ICC Docket 33-144, at prevailing industry rates for such item, for a term commencing at 12:01 A.M. October 5, 1979, and ending at 11:59 P.M. on the last day directed service is performed by DRC, except that (i) lease payments on any RI owned cars, trailers and auto racks which are bad order at 12:01 A.M. on October 5, 1979, will not begin to accrue on any such item until it has been repaired and returned to service by DRC; and (ii) lease payments, if any are accruing, on any RI owned cars, trailers or auto racks returned to Trustee under Supplemental Order No. 2 shall cease on the date any such return becomes effective. In the event any RI owned cars, trailers or auto racks returned to Trustee under Supplemental Order No. 2 are thereafter repaired by DRC, lease payments with respect thereto will begin to accrue on each such item when it has been repaired and returned to service by DRC.

4. *Lease of RI Owned Locomotives and Other Equipment.* DRC will lease all RI owned locomotives and other equipment, excluding, however, the heavy bad order locomotives returned to Trustee pursuant to DRC Report No. 1 to ICC for the same term as is provided above for the lease of RI cars, trailers and auto racks. For the purposes of this Agreement, "other equipment" shall include, but not be limited, the types of owned equipment described in ICC Accounts Nos. 16, 31, 44, 45, 54, 57, and 58. The lease rate per locomotive and per unit of other equipment will be as set out on Schedule A attached hereto, including locomotives used in run-through operations, except that (i) lease payments on any RI owned locomotives and other equipment which are bad order at 12:01 A.M. on October 5, 1979, will not begin to accrue on any such item until it has been repaired and returned to service by DRC; and (ii) lease payments, if any are accruing, on any RI owned locomotives and other equipment returned to Trustee under Supplemental Order No. 2 shall cease on the date any such return becomes effective. In the event any RI owned locomotives or other equipment returned to Trustee under Supplemental Order No. 2 are thereafter repaired by DRC, lease payments, with respect thereto will begin to accrue on each such item when it has been repaired and returned to service by DRC. Lease payments with respect to locomotives off line under lease to other carriers as of 12:01 A.M. October 5, 1979, or being used to equalize horsepower hours on run-through operations, shall not begin to accrue until such locomotives are delivered to and placed in service by DRC. Appropriate adjustments shall be made to compensate DRC or Trustee, as the case may be, with respect to differences in the amounts of horsepower or fuel deficits or credits as of the beginning and the end of the period of directed service with respect to locomotives used in run-through operations.

5. *RI Lease Payments on Cars, Trailers, Auto Racks, Locomotives and Other Equipment.* As provided in Authorization

Order No. 1, decided October 12, 1979, and Authorization Order No. 4, decided October 23, 1979, DRC shall make payments on all RI car, trailer, auto rack, locomotive and other equipment leases as they become due during the period of directed service, including payments on leases covering the use of such equipment for such period beyond the duration of directed service as shall be specified in the Order as of the time any such payment is made. All such lease payments to be so made by DRC shall be made directly to the lessors of the equipment involved. To the extent that DRC, pursuant to the provisions of this paragraph 5, makes payments on leases for a period prior to or after the period of directed service, such payment shall be the responsibility of Trustee, and the amounts due from DRC to Trustee under this Agreement. DRC shall, where feasible, obtain an assignment to the United States of the rights of the lessors of any such equipment against the Trustee on account of any lease payments made for periods prior to or after the period of directed service. Trustee agrees that, to the extent that such payments are made by DRC, the United States shall be subrogated to the claims of the lessors of such equipment against Trustee, regardless of whether or not such assignments are obtained. DRC shall have no obligation to make payments to Trustee with respect to DRC's use of RI leased cars, trailers, auto racks, locomotives and other equipment, other than to make the payments to the lessors thereof provided for in this Agreement.

6. *Bad Order and Returned RI Leased Equipment.* Lease payments made by DRC for RI leased cars, trailers, auto racks, locomotives and other equipment shall be charged back to Trustee as provided in Supplemental Order No. 2 to the extent that such payments cover the following periods:

(a) With respect to RI leased equipment which was bad order or otherwise inoperable as of 12:01 A.M. October 5, 1979, the period from 12:01 A.M. October 5, 1979, until such equipment has been repaired and returned to service by DRC; and

(b) With respect to any such equipment which is not bad order or otherwise inoperable at 12:00 A.M. on October 5, 1979, but which is thereafter returned to Trustee under Supplemental Order No. 2, the period from and after the effective date of such return.

7. *Maintenance of RI Cars, Trailers, Auto Racks, Locomotives and Other Equipment.* DRC will be responsible for all repairs required to maintain the serviceability of all RI cars, trailers, auto racks, locomotives and other equipment, owned or leased, which is leased or used by DRC under this Agreement during the period of directed service, including, with respect to RI leased equipment, the performance of Trustee's obligations, as lessee, to repair, replace or pay damages for the destruction of the leased equipment, excluding, however, (i) any such equipment, owned or leased, returned to the Trustee under Supplemental Order No. 2; and (ii) any such equipment, owned or leased, which is bad order or otherwise inoperable as of 12:01 A.M. on October 5, 1979, which DRC does not elect to repair and return to

service. To the extent that the bad order status of the equipment leased to or used by DRC under this Agreement, as of 12:01 A.M. October 5, 1979, is approximately equal to the bad order status of such equipment as of 11:59 P.M. on the date directed service terminates, Trustee will not be charged with the cost of repairs made by DRC to such equipment on account of its bad order or inoperable status at the commencement of directed service, and DRC shall not be charged with the cost of repairs to such equipment on account of its bad order or inoperable status as of the end of directed service; provided, however, if the estimated cost of such repairs to such equipment as of the beginning of directed service exceeds by more than 5 percent the estimated cost of such repairs to such equipment at the end of directed service, Trustee will be charged with such excess, and if the estimated cost of such repairs to such equipment at the end of directed service exceeds by more than 5 percent the estimated cost of such repairs to such equipment at the beginning of directed service, DRC will be charged with such excess. Nothing contained herein shall be deemed to alter the specific requirements of any Commission authorization orders that sums incurred in effecting Commission authorized repairs to RI equipment shall be offset against amounts to be paid by the DRC to the Trustee for use of RI equipment.

8. *FRA Car and Locomotive Repair Programs.* All FRA car and locomotive repair programs pursuant to agreements between FRA and the Trustee shall be considered to have recommended effective 12:01 A.M. October 5, 1979, subject to the terms and conditions of the October 5, 1979 Agreement-FRA Car and Locomotive Programs by and between Trustee and DRC. Upon the termination of any such program after October 5, 1979, subject to FRA's consent, Trustee will sell to DRC, and DRC will purchase from Trustee, at the replacement cost as of October 5, 1979, or at actual cost if purchased thereafter, any equipment, materials, and supplies purchased by Trustee with FRA funds which are required by DRC for equipment repairs pursuant to the Order. Payment for such purchases shall be deposited in Trustee's dedicated funds account for FRA Program monies, without set off at the end of each month.

9. *Personnel.* During the period of directed service, DRC will employ all RI personnel except those listed in DRC's letter delivered to Trustee on October 5, 1979, subject to the right of DRC to lay off or furlough Employees, and to blank jobs pursuant to collective bargaining agreements, and to discharge nonagreement Employees. It is recognized that certain Employees and State Attorneys, during the period of directed service, will perform services for both DRC and Trustee and that, after the period of directed service, DRC will continue to require service of some Employees and State Attorneys until all accounts between DRC and Trustee have been settled, all claims and litigation arising from or attributable to directed service have been settled or terminated, and all necessary reports have been made by DRC to ICC and other governmental agencies. To eliminate the necessity of attempting to allocate the

cost of services performed by Employees and State Attorneys for both DRC and Trustee during and after the period directed service, the parties agree that DRC shall be solely responsible for all wage, salary, related payroll costs and compensation of Employees and State Attorneys during the period of directed service, regardless of whether any such Employee or State Attorney may also be performing services for Trustee during that period, and Trustee shall be solely responsible for all wage, salary, payroll costs and compensation of Employees and State Attorneys after the period of directed service, regardless of the fact that some such persons may be performing services for DRC following such period; provided that, if Trustee does not have sufficient persons following the period of directed service to perform the services required by DRC, Trustee shall compensate DRC for the salary, payroll costs and compensation incurred by DRC attributable to performing such services and DRC's expense incurred for the performance of such services shall be offset in accordance with paragraph 20 hereto. Contributions to RI pension and other employee benefit plans for nonagreement Employees during the period of directed service shall be made by DRC to Trustee, in escrow as suggested by ICC on page 21 of the Order. DRC will give Trustee at least five days' notice before dispensing with the services of a nonagreement Employee in order to give Trustee an opportunity to hire the Employee.

10. *Vacation Pay and Vacation Accruals.* Accounting and payments for paid vacations of Employees taken, and for vacation accruals for Employees, during the period of directed service shall be as follows:

(a) *Paid Vacations.* The expense of any paid vacations taken by an Employee during the period of directed service is the responsibility of Trustee to the extent that the Employee earned or accrued the right to the paid vacation (whether under a collective bargaining agreement, or under RI employment policies for nonagreement personnel) as a result of service rendered to RI prior to the commencement of directed service. DRC shall, nevertheless, without any right of setoff against Trustee compensate each Employee taking a paid vacation during the period of directed service pursuant to Supplemental Order No. 8 in accordance with applicable collective bargaining agreements, or RI employment policies.

11. *Computer and Office Equipment.* DRC shall be responsible for all rentals and obligations under leases of RI computer and other office equipment used by DRC which become due during the period of directed service, subject to adjustment as provided in Supplemental Order No. 2. It is recognized that some items of such equipment will be used by both Trustee and DRC during the period of directed service, and that DRC will also require the use of such equipment after the period of directed service. To eliminate the necessity of allocating the costs of such equipment in accordance with its actual use by the parties, it is agreed that DRC shall, subject to the adjustments provided for in Supplemental Order No. 2, be solely responsible for all such payments which are

properly allocable to the period of directed service, regardless of any use by Trustee of such equipment during that period, and that Trustee shall be solely responsible for all such payments by DRC following the completion of directed service; provided that, if Trustee does not have sufficient personnel or equipment following the period of directed service to provide the computer and office equipment services required by DRC, Trustee shall compensate DRC for the salary, payroll costs, compensation, and computer and other equipment rental costs incurred by DRC and attributable to providing use of RI computer and other office equipment services to Trustee during the period of directed service, such costs to be offset in accordance with paragraph 20 hereof. DRC shall not be responsible for or incur any expense with respect to the upgrading of RI computer or office equipment, regardless of whether such upgrading is scheduled to take place during the period of directed service.

12. *RI Joint Facility Agreements and Leases of Real Estate or Facilities.* DRC shall be responsible for all payments due from and obligations of RI under agreements for the use or operation of joint facilities, or under leases or other agreements for the use of operation of tracks, real estate or other facilities included within RI's system, during the period of directed service, regardless of when bills are presented for such payments or obligations; provided, however, that any item billed for periods partially before or partially after the period of directed service shall be prorated between DRC and Trustee. Trustee assigns DRC its use or operating rights with respect to any such facilities or real estate during the period of directed service. If DRC shall determine that the property covered by any such agreement or lease is not necessary for its use during the period of directed service, it shall notify Trustee, any affected person (natural or otherwise) and ICC of its decision to that effect, and such notice shall be considered a notice to return the property to the Trustee pursuant to the provisions of the third paragraph of Supplemental Order No. 2. The parties recognize, however, that it is impossible for DRC to review the large number of RI contracts and leases during the period of directed service to determine which, if any, should be assumed by DRC during the period of directed service, and the parties agree that DRC shall have no liability to Trustee for any default under any such agreement or lease which results, whether due to inadvertence or otherwise, from a failure or inability of DRC to perform one or more obligations of RI under any such agreement or lease. In the event DRC is notified of any default in any such agreement or lease, DRC will promptly notify Trustee of such default.

DRC may arrange to make payments under joint facility agreements, or under leases or other agreements respecting the use of tracks, real estate or other facilities necessary for directed service, directly to the party to whom such payments are due, without regard to whether such payments may constitute lease payments in whole or in part. DRC shall not be charged, however, with any payments made under this paragraph 12 other than the

portions of payments otherwise due from RI which are applicable to the actual period of directed service. In the event DRC, in order to obtain use of tracks, real estate or other facilities under any such agreement or lease, is required to make payments for a period extending beyond the period of directed service, DRC, to the extent of any such payment, shall have a right of setoff against sums due to Trustee under this Agreement. DRC shall not make payments under any such agreement or lease for any period prior to the period to the period of directed service, unless such payment is authorized under the provisions of subparagraph 2(c) hereof.

13. *Fuel, Materials and Supplies.* DRC shall pay Trustee for all RI fuel, materials and supplies on hand as of 12:01 A.M. October 5, 1979, which are used by DRC in directed service operations during the period of directed service, at the replacement cost for each item so used as of October 5, 1979. Trustee shall compensate DRC for all fuel, materials and supplies purchased by DRC during the period of directed service which are on hand and which are turned back by DRC to RI at the end of the period of directed service, based on DRC's actual cost of such items; provided, however, that if Trustee does not require any such items for use in continued RI rail operations, Trustee will, at DRC's option, either pay to DRC the net liquidating value received by Trustee for the sale of such items, or return such items to DRC for removal and sale by DRC.

14. *FRA Track Repair Programs.* Trustee and DRC agree, subject to approval by FRA, that all FRA track programs with respect to RI tracks and facilities were suspended as of the beginning of, and shall remain suspended during, the period of directed service. Subject to FRA's consent, Trustee will sell to DRC, and DRC will purchase from Trustee, at replacement costs as of October 5, 1979, or at actual cost if purchased thereafter, any track materials and supplies purchased by Trustee from FRA funds which are required by DRC for track repairs pursuant to the Order. Payments for such purchases shall be deposited in Trustee's dedicated FRA funds account, without set off, at the end of each month.

15. *Interline and Other Accounts With Other Railroads.* The respective responsibilities of DRC and Trustee for interline accounts between RI and other railroads, arising from RI operations before and after the period of directed service and DRC's operations during the period of directed service, shall be handled as specified in the joint notice of DRC and Trustee to other carriers, a copy of which will be attached hereto as Schedule B. A similar joint notice shall be sent to affected carriers covering the termination of directed service operations.

16. *Agreements With RTA.* Trustee has entered into agreement with RTA for the performance of commuter service operations in the Chicago area, which services DRC will perform during the period of directed service. DRC shall enter into such agreements with RTA as may be necessary, or required by RTA, in order to provide for DRC's performance of commuter services, and to enable DRC to receive all payments which

would otherwise have been paid or accrued to Trustee under his agreements with TRA and which are properly allocable to the commuter service performed by DRC during the period of directed service. Trustee waives any and all rights to receive any such payments.

17. Property, Liability and Casualty Insurance and Bonds. DRC shall cause itself to be named, by endorsement, as an additional insured on Trustee's existing property and liability and casualty insurance and employee's air travel insurance and may keep in force or become an additional insured on bonds, all of which Trustee has obtained from numerous underwriters. The present policy periods (or renewals thereof) for said insurance and bonds extend for a minimum of one year from various dates which do not coincide with the period of directed service. DRC will be charged with the proportionate part of the respective premium for each insurance policy and bond period which is represented by the ratio that the number of days of directed service bears to each respective insurance policy or bond period. If it becomes necessary, in order to keep the insurance and bond coverages described in this paragraph 17 in effect during the period of directed service, for DRC to pay the premium and brokerage fees on any such insurance or bonds for a period either before or after the period of directed service, Trustee shall reimburse DRC for any premiums and brokerage fees paid by DRC with respect to such insurance or bonds to the extent that such payments cover a period other than the actual period of directed service.

18. Nonoperating Properties. Trustee shall retain care, custody and control of, and there shall be deposited in Trustee's exclusive bank accounts all revenues from all nonoperating RI properties, including rental real estate, mineral producing property, and stock ownership in wholly or partially owned subsidiaries. Trustee shall have the exclusive right to vote RI stock in any such subsidiaries during the period of directed service.

19. Compensation for DRC Use of RI Lines and Facilities. Deleted—presently the source of litigation.

20. Rights of Setoff and Claims Against Estate. In any instance where an account balance exists in favor of either party under this agreement or under any terms or provisions of the Order, and no specific provision has been made for set off, payment or claim against Trustee's estate, the parties shall have the right of set off against amounts owing by either of them to the other. Should the sums owed to DRC by Trustee be in excess of DRC's rights of setoff under this Agreement or any provision of the Order, DRC shall have a cost of administration claim against Trustee for such excess which it shall assign to the United States. Should the sums owed to Trustee by DRC be in excess of Trustee's rights of setoff under this Agreement or any provision of the Order, such sums shall be forthwith paid by DRC in cash to Trustee.

21. Final Accounting and Disputes. Upon conclusion of the period of directed service, the firm of Certified Public Accountants engaged by DRC, with the approval of ICC, to

supervise accounting procedures during the period of directed service shall prepare, at DRC's expense, a final accounting of the net amount owed by DRC to Trustee or by Trustee to DRC, as the case may be, pursuant to the terms of this Agreement and of the Order, and as otherwise required by law. The final accounting so prepared shall be submitted to DRC, Trustee and ICC, and subject to such adjustments therein as may be made by ICC pursuant to law, shall be considered final and binding on both parties unless, within thirty days after receipt of such final accounting, either party shall file written exceptions thereto with ICC, and take the necessary action to cause such accounting to be reviewed by ICC with respect to such exceptions.

22. Claims and Suits. All claims and suits arising or accruing before the period of directed service, or which are not attributable to directed service operations, shall be the sole responsibility of Trustee, and shall be handled by Employees and State Attorneys, subject to Trustee's approval as to any settlements or other final disposition of such matters. All claims and suits arising or accruing during the period of directed service that are attributable to directed service operations shall be the sole responsibility of DRC, and may, at DRC's discretion, be handled by Employees and State Attorneys subject to DRC's approval as to any settlements or other final disposition of such matters. Each party shall be obligated to pay the fees and expenses of outside attorneys engaged by the party to handle claims or suits for which the party is responsible, unless the payment of such fees and expenses is authorized under the provisions of subparagraph 2(c) hereof.

23. ICC and Court Approval. This Agreement is subject to approval by ICC, and to an ICC Order, satisfactory to DRC, authorizing and directing DRC to incur all the expenses which are the responsibility of DRC under this Agreement, and finding that the incurring of such expenses are fully reimbursable to DRC under 49 U.S.C. 11125(b)(5). This Agreement is also subject to the approval of the United States District Court for the Northern District of Illinois in which the proceedings for the reorganization of the Debtor are pending.

24. Reservation of Rights. The parties hereto are entering into this Agreement solely because the Order directs them to do so in an effort to establish guidelines to facilitate directed service operations and an accounting between the parties. By entering into this Agreement, neither party hereto is waiving any right to seek the reversal, vacation or modification of the Order by regulatory or judicial proceedings. Each party hereto reserves all rights against the other and third parties to recover damages or other compensation from the other or from third parties for any matter regarding directed service operations which is not covered by the terms of this Agreement, and nothing herein shall constitute a waiver or release of any right to assert claims for or to recover damages or other compensation from the other party hereto or from third parties for any such matter; [provided, that any claim asserted by one party against the other with

respect to matters covered by this Agreement shall be governed by, and the rights of the parties with respect thereto shall be determined under, this Agreement.] Each party hereto reserves all rights to recover damages or other compensation from the United States for any matter regarding directed service operations, and nothing herein contained shall constitute a waiver or release of any right to assert claims for or to recover damages or other compensation from the United States for any matter arising from directed service operations, including claims for compensation or damages other than specified or provided for in this Agreement, or for matters not covered by this Agreement.

25. Binding Effect. This Agreement shall be binding upon and inure to the benefit of Trustee, his successors as RI Trustee and assigns, and DRC, its successors as directed rail carrier under the Order and assigns.

26. Counterparts. This Agreement may be executed in several counterparts, each of which shall be considered an original but all of which shall constitute a single instrument.

In witness whereof, Trustee has executed this Agreement and DRC has caused this Agreement to be executed by one of its officers thereunto duly authorized as of the day and year first above written.

William M. Gibbons, Trustee.

Kansas City Terminal Railway Company—
Directed Rail Carrier.
By _____
Its _____

[FR Doc. 80-9149 Filed 3-25-80; 8:45 am]

BILLING CODE 7035-01-M

[Directed Service Order No. 1398;
Authorization Order No. 27]

**Kansas City Terminal Railway Co.—
Directed to Operate Over—Chicago,
Rock Island & Pacific Railroad Co.,
Debtor (William M. Gibbons, Trustee)**

Decided: March 19, 1980.

Under Directed Service Order No. 1398 and 1398 (Sub-Nos. 1 and 2), the Commission directed Kansas City Terminal Railway Company (KCT) to provide service as a directed rail carrier (DRC) under 49 U.S.C. 11125 over the lines of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) ("RI") See *Kansas City Term. Ry. Co.—Operate—Chicago, R. I. & P.*, 360 I.C.C. 289, 478, 718 (1979-80); 44 FR 56343, 70733 and 45 FR 14578 (1979-80). Directed service is currently scheduled to extend through 11:59 p.m. (central time), March 23, 1980.

RI owns numerous locomotives which are in need of repairs. DSO NO. 1398 requires the DRC to obtain prior Commission approval for all rehabilitation of locomotives which exceeds \$3,000 per unit. See DSO No. 1398, 360 I.C.C. at 304 [44 FR 56347]. Authorization Order No. 23 was served

on February 14, 1980, [45 FR 11923, Feb. 22, 1980] and authorized the DRC to make repairs on 10 locomotives at a cost of \$87,336, as listed on "DRC Report No. 19," and to make repairs to 25 locomotives listed on "DRC" Report No. 21" at a cost of \$243,584, subject to the condition that KCT offset the cost of such repairs against any rental payments it owes the RI Trustee for equipment when the cost of repairs exceeds \$3,000.

The DRC submitted a telegram to Joel E. Burns dated March 11, 1980, requesting authority to increase the cost of repairs on 5 locomotives as approved in Authorization Order No. 23. The DRC has commenced work on these locomotives and has discovered that the cost of repairs to 5 locomotives exceeds the previous cost estimate. The additional cost is due to further repair work that is required and that was not evident upon the first inspection of the units.

The 5 units and the additional cost is as follows:

Unit No.	Original cost estimate	Additional cost required	Total cost required	Status
4705	11,029	4,837	15,866	(?)
295	11,883	2,163	14,046	(?)
4472	6,149	1,159	7,308	(?)
765	10,932	3,301	14,233	(?)
356	11,029	5,684	16,713	(?)
Totals	51,022	17,144	68,166	

¹ Work stopped.

We believe the KCT should be authorized to make the required additional repairs to the 5 locomotives as requested in the DRC's wire to Joel E. Burns. The total cost of repairs is approximately \$17,144.

The DRC shall be compensated for the expenditures authorized above, subject, however, to the condition that KCT offset the cost of such repairs against any rental payments it owes the RI Trustee for equipment when the cost of such repairs exceeds \$3,000.

We find: 1. This will not significantly affect either the quality of the human environment or the conservation of energy resources. See 49 CFR Parts 1106, 1108 (1978).

It is ordered: (1) The DRC is authorized to make additional repairs on the 5 locomotives at a cost of \$17,144, subject to the above-described offset requirement as requested in a telegram from the DRC to Joel E. Burns dated March 11, 1980. The 5 locomotives are listed below.

Unit No.	Original cost estimate	Additional cost required	Total cost required	Status
4705	11,029	4,837	15,866	(?)
295	11,883	2,163	14,046	(?)
4472	6,149	1,159	7,308	(?)
765	10,932	3,301	14,233	(?)
356	11,029	5,684	16,713	(?)
Totals	51,022	17,144	68,166	

¹ Work stopped.

(2) The repairs authorized must be completed within the directed service period.

(3) This decision shall be effective on its service date. By the Commission. Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum and Alexis. Commissioners Trantum and Alexis dissenting.

James H. Bayne,
Acting Secretary.

[FR Doc. 80-9143 Filed 3-25-80; 8:45 am]

BILLING CODE 7035-01-M

[Directed Service Order No. 1398]

Kansas City Terminal Railway Co.— Directed to Operate Over—Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee); Management Team Agreement

Decided: March 6, 1980.

In our initial order directing service over the lines of the Chicago, Rock Island, & Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) ("Rock Island" or "RI"), we required the formation of a special management team to run directed service operations. *Kansas City Term. Ry. Co.—Operate—Chicago R. I. & P.*, 360 I.C.C. 289, 295-97 (1979). We selected Kansas City Terminal Railway Company (KCT) to head up this management team because of its ability to conduct RI operations efficiently, its familiarity with RI's operations, its proximity to RI lines, the competitive balance in the area, and our belief that KCT's ability to conduct its own operations would not be adversely affected.

However, recognizing that carriers other than KCT had an interest in directed service over the Rock Island, we charged KCT as follows:

The KCT is expected to establish a management team to manage the directed service operation. This team will consist of individuals from the KCT's owning railroads, supplemented by individuals from Southern Pacific Lines (SP), Western Pacific Railroad Company (WP), and Denver & Rio Grande Western Railroad Company (D&RG), at those railroads' options.

We direct KCT to negotiate any requisite agreements with its owners or any of the

three roads indicated above (SP, WP, or D&RG) which desire to participate on the RI directed service management team. Such agreements shall be subject to our approval. [*Id.* at 296]

KCT recently submitted a proposed management team agreement for our approval. Of the three carriers eligible to become members of the management team—SP, WP, and D&RG—only SP has objected to the terms proposed by KCT.

First, SP objects to the language in section 2 of the draft, under which members of the management team shall be "subject to the direction and control of [KCT's] President and Board of Directors." Second, SP objects to the provision in section 8 allowing KCT to terminate any member of the management team upon 10 days' written notice. We are unpersuaded by SP's first objection, but find merit to the second.

SP would have us dilute the ability of KCT effectively to manage directed service by removing the management team from KCT's control. Not only would this impair KCT's ability to run directed service on a day-to-day basis, but it could also increase the cost of directed service by eliminating an orderly chain of command, thereby increasing the time necessary to reach decisions and take needed action. Since KCT is the sole entity entitled to subsidization under 49 U.S.C. 11125(b)(5) and 49 CFR Part 1126 (1978), KCT necessarily must maintain control over the directed service management team.

Nonetheless, it is important that affected railroads have an opportunity to be represented on the management team. This not only will assure that competitors' interests are safeguarded, but will also provide additional checks and balances to ensure that public funds are utilized efficiently. Since section 8 of KCT's draft agreement would effectively nullify affected railroads' right of representation on the management team, this provision must be modified. Accordingly, our approval of the proposed agreement shall be conditioned on the addition of the following proviso to section 8:

, provided, however, that DRC may not terminate the status of any employee of Railroad serving as a member of the management team at any time prior to the end of the period of actual directed service operations without Railroad's consent.

We find that approval of the agreement, as modified, is essential to the provision of directed service and that costs associated with implementation of the approved agreement are properly reimbursable costs of directed service under 49 U.S.C. 11125(b)(5). The approved agreement is

set forth in the Appendix to this decision.

While we recognize that directed service is almost over, we believe that implementation of this agreement is imperative. It will enumerate the rights and responsibilities of those non-KCT participants who have served on the management team during the earlier phases of directed service. Further, it is necessary to establish the division of fiscal responsibility for non-KCT participants on the management team and to determine the extent of government reimbursement for the management team.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered: (1) KCT's proposed management team agreement is approved as modified above.

(2) Costs associated with implementation of the approved management team agreement shall be reimbursed pursuant to 49 U.S.C. § 11125(b)(5).

(3) This decision shall be effective on its service date.

By the Commission. Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, and Alexis. Commissioners Stafford and Trantum were absent and did not participate.

Agatha L. Mergenovich,
Secretary.

Agreement

This agreement, made this _____ day of _____, 1979, by and between KANSAS CITY TERMINAL RAILWAY COMPANY, a Missouri corporation (the "DRC"), and

a _____ corporation (the "Railroad");

Recitals: A. DRC has been designated by the Interstate Commerce Commission ("ICC") under Emergency Directed Service Order No. 1398, service date September 26, 1979 (the "Order," which term as used herein shall include all orders of the ICC supplemental to Emergency Directed Service Order No. 1398), to operate, as a directed rail carrier, over Chicago, Rock Island and Pacific Railroad Company, debtor (William M. Gibbons, Trustee) (the "Rock Island"), and to establish a management team to manage the directed service operations.

B. Railroad is named in the Order as one of the carriers which has the option of participating in the management team to manage the directed service operations.

C. Railroad has elected to participate in the management team to manage the directed service operations as specified in the Order, and this Agreement is for the purpose of establishing the terms and conditions of that participation.

Now, therefore, in consideration of the mutual terms, covenants and conditions

herein contained, the parties agree as follows:

1. Railroad agrees to participate in the management team to manage directed service operations under the Order, or any extension thereof made by the ICC, by providing DRC with the services of a member of the management team and such auxiliary personnel as is necessary. The following persons have been made available by Railroad to DRC as of the date of this Agreement.

Management Team Members(s)

Name _____

Capacity of service to DRC _____

Other personnel _____

2. The services to be performed by the above-named employee(s) of Railroad for DRC during the period of directed service operations shall be those customarily rendered by railroad executive and management personnel in similar capacities, subject to the direction and control of DRC's President and Board of Directors. All such employees shall be available to DRC on a full or part-time basis as required by DRC from time to time. Railroad's above-named member of the management team shall, at all times during the period of his service to DRC, have the right to participate fully with other members of the management team in managing directed service operations, including, without limitation, the right to attend and participate in all scheduled staff meetings of the management team, and the full right of access to all documents and records maintained by the management team. Railroad's above-named member of the management team shall be furnished reasonable notice of all meetings held by the management team.

3. Railroad shall furnish to DRC the full or part-time services of such additional employees of Railroad to assist DRC in performing directed service operations as may be agreed upon by Railroad and DRC from time to time.

4. Each employee of Railroad performing services for DRC under this Agreement shall, during the period he is performing such services, remain on the payroll of Railroad at his regular salary rate in effect at the date of this Agreement, subject to such changes or increases in such rate as shall, during the period of directed service, be made by Railroad pursuant to its normal and customary compensation practices. Railroad shall also, during the period in which such services are performed for the DRC, and with respect to each such employee's salary, make all deductions from such salary payments required by law for federal, state and local income or other taxes, pay all FICA and railroad retirement and unemployment insurance taxes due on such salary payments, and make any and all contributions or payments for and on behalf of such employee required by Railroad's current pension, profit sharing, health and welfare, or other employee benefit plans applicable to such employee.

5. To compensate Railroad for the loss of the services of its employees who perform services for DRC under this Agreement, DRC agrees to pay to Railroad, promptly upon the receipt of bills therefor, the full amount of the base salary of each such employee during the period, from and after September 26, 1979, in which such employee performs services for DRC, before any payroll deductions, including the deductions for federal, state and local income or other taxes, plus the amount of any payments made by Railroad for and on behalf of such employee with respect to the employee's salary during such period, for FICA or railroad retirement and unemployment insurance taxes, and for contributions required by the current pension, profit sharing, health and welfare, or other employee benefit plans of Railroad applicable to such employee. In case any such payments in addition to base salary are computed by Railroad on the basis of the employee's compensation over a period longer than the period during which employee performs services for DRC under this Agreement, such payments shall be prorated, in accordance with generally accepted accounting principles, to the amount of base salary paid by Railroad to such employee during the period in which the employee performs services for DRC.

6. During the period in which any employee of Railroad provides services for DRC, such employee shall remain an employee of Railroad, and shall be considered a consultant, with the status of an independent contractor, to DRC. DRC shall not be obligated to make any payment to or on behalf of any such Railroad employee other than as expressly provided herein.

7. Nothing contained in this Agreement shall be considered to cause or create any agency or partnership relationship between DRC and Railroad. Neither Railroad nor any employee of Railroad performing services for DRC shall be liable to DRC for any loss, cost or expense incurred by DRC as a result of any acts, errors or omissions by any such employee of Railroad in connection with the performance of directed service by DRC. DRC agrees to indemnify and hold harmless Railroad, and any employee of Railroad performing services for DRC, for all liabilities, claims, loss, cost and expense imposed on or incurred by Railroad, or any such employee, for acts, errors, or omissions in connection with the performance of directed service, or in any manner arising from or growing out of Railroad's or such employee's participation on DRC's management team.

8. The status of any employee of Railroad performing services for DRC under this Agreement as a consultant to DRC shall terminate when DRC's need for the services of such employee in connection with DRC's directed service under the Order shall cease (and shall include required services after the period of actual directed service operations have ceased), unless such status is sooner terminated by DRC upon ten days' written notice to Railroad and to such employee, or by Railroad or by employee upon ten days' written notice to DRC, or unless otherwise agreed to by Railroad and DRC, *provided, however, that DRC may not terminate the*

status of any employee of Railroad serving as a member of the management team at any time prior to the end of the period of actual directed service operations without Railroad's consent.

9. DRC shall reimburse each employee of Railroad performing services for DRC for all reasonable expenses incurred in providing such services, including travel expenses, and the cost of meals and lodging while the employee is performing services for DRC at locations other than the city in which the employee resides. Such reimbursement shall be made either by direct payment to the employee, or by reimbursement to Railroad for any such expenses paid by Railroad. In special recognition of each such employee's status as professional advisors and consultants, DRC shall also pay directly to each such employee a consulting fee for services rendered to DRC in an amount equal to the greater of 10% of the base salary of the employee for which DRC reimburses Railroad under paragraph 5 hereof, or the sum of \$50 per day for each day during which the employee performs services for DRC.

10. This agreement shall be binding upon the inure to the benefit of the parties hereto and their respective successors and assigns, and shall be effective as of September 26, 1979, subject to the approval of the ICC as provided in the Order and to a finding by the ICC that all expenditures made by DRC under this Agreement arise out of or are attributable to directed service, and are reimbursable to DRC under 49 U.S.C. § 11125(b)(5).

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the date and year first above written.

Kansas City Terminal Railway Company
By _____
President

By _____
Its _____
The undersigned employee(s) of Railroad hereby acknowledge(s) receipt of a copy of the above Agreement, and agree(s) to perform services for DRC as specified and upon the terms and conditions stated therein.

Employee _____

Employee _____

Employee _____

[FR Doc. 80-9145 Filed 3-25-80; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Finance Application; Decision-Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). These rules provide, among other things, that opposition to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the **Federal Register**. Failure reasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. Opposition under these rules should comply with Rule 240(c) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, and specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Opposition not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of any protest shall be filed with the Commission, and a copy shall also be served upon applicant's representative or applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(c)(4) of the special rules and shall include the certification required.

Section 240(e) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request its dismissal.

Further processing steps will be by Commission notice or order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown.*

Any authority granted may reflect administratively acceptable restrictive amendments to the transaction proposed. Some of the applications may have been modified to conform with Commission policy.

We find with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action

under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930.

In the absence of legally sufficient protests as to the finance application or any application directly related thereto filed on or before April 25, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

MC-F-14307F, filed January 23, 1980. SHARPE MOTOR LINES, INC. (Sharpe) (P.O. Box 517, Hildebran, NC 28637)—control and merger—ANDERSON TRUCKING COMPANY OF ASHEVILLE, INC. d.b.a. ANDERSON TRANSFER CO. (Anderson) (P.O. Box 405, Hildebran, NC 28637). Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue & 13th St., N.W., Washington, DC 20004. Sharpe seeks authority to acquire control of Anderson and for merger of the operating rights and property into Sharpe for ownership, management, and operation. Bickett Sharpe who controls Sharpe through ownership of all of its capitol stock, seeks to acquire control of Anderson through this transaction. The operating rights to be acquired by Sharpe are contained in Anderson's certificates issued in MC 4978 and sub-numbers thereunder which authorize the transportation as follows: over irregular routes, of *baskets*, from Suffolk, VA, to Hendersonville, NC, *canned citrus fruit products* from Tampa, FL, to points in TN, KY, VA and DC; *canned foods*, from Newport, Tellico Plains, Jefferson City,

Sevierville and Dandridge, TN, to points in KY, NC, SC, VA and DC, from Henderson, NC, to Baltimore, MD, Philadelphia, PA, between Newport, Tellico Plains, Jefferson City, Sevierville and Dandridge, TN, and Greenwood, Peru, Tipton and Indianapolis, IN, from Jefferson City, Newport, Sevierville and Tellico Plains, TN, to points in GA and FL; *canned machinery, implements and supplies* between Jefferson City, Newport, Tellico Plains, Sevierville and Dandridge, TN, on the one hand, and, on the other, Indianapolis, Peru, Tipton, and Greenwood, IN, between Hendersonville, NC, on the one hand, and, on the other, Roanoke, VA, and Baltimore, MD; *clothing, clothing accessories, shoes, toys and store, restaurant and household furniture and fixtures*, between Asheville, NC, and Knoxville, Bristol and Kingsport, TN, *corrugated boxes*, from Louisville, KY, Newport, Tellico Plains, Jefferson City, Sevierville and Dandridge, TN, from Martinsville, VA, to Hendersonville, NC; *empty tin cans*, from Baltimore, MD, and Roanoke and Bedford, VA, to points in described counties in NC; *hides, animal fats and greases, rags, cotton, factory waste scrap metal, scrap rubber and scrap paper*, from Asheville, NC, to Louisville and Lexington, KY, Cincinnati, Chillicothe, Hamilton and Lockland, OH, Richmond, Roanoke and Norfolk, VA, Baltimore, MD, Philadelphia, PA, Chicago, IL, and Indianapolis, IN; *seed* from Louisville, KY, to points in a described portion of TN, a described portion in VA, a described portion in NC, and points in SC, from Winchester, KY, Knoxville, TN, Richmond and Norfolk, VA, Baltimore, MD, to points in described counties in NC; *such merchandise* as is dealt in and handled by food brokers and wholesale grocers from Charleston, SC, Waynesboro, Winchester, Norfolk, Suffolk, Richmond, Martinsville and Roanoke, VA, Knoxville and Chattanooga, TN, Louisville, KY, Chicago, IL, and Baltimore, MD, to Asheville, Morganton, Spruce Pine, No. Wilkesboro, Hickory and Hendersonville, NC; *supplies, materials and machinery*, used in a cannery between Jefferson City, Newport, Sevierville and Tellico Plains, TN, on the one hand, and, on the other, Tampa, FL; and *toys and children's vehicles* from Dayton, OH, to Asheville, NC, and Knoxville, Kingsport and Bristol, TN, and in MC 4978 (Sub-E-1) authority to transport over irregular routes (1) *canned citrus fruit products* from Tampa, FL, to Greenwood, Peru, Tipton and Indianapolis, IN; and (2) *canned goods* from Greenwood, Peru, Tipton

and Indianapolis, IN, to points in GA, NC, SC and FL. Sharpe operates as a motor common carrier in interstate or foreign commerce pursuant to certificate MC 111548 and sub-numbers thereunder, transporting *general commodities*, with usual exceptions, and specified commodities, over irregular routes, in the continental United States. (Hearing site: Washington, DC.)

Note.—An application for temporary authority has been filed.

MC-F-14292F, Filed January 14, 1980. MATSON TRUCK LINES, INC. (Matson) (P.O. Box 328, 1407 St. John Avenue, Albert Lea, MN 56007)—purchase (portion)—FOODTRAIN, INC. (Foodtrain) (Spring and South Center Street, Ringtown, PA 17967). Representatives: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402, and Pauline E. Myers, Suite 348, Pennsylvania Bldg., Pennsylvania Ave. at 13th St., NW, Washington, DC 20004. Matson seeks authority to purchase a portion of the interstate operating rights of Foodtrain. Darryl E. Matson, Richard D. Matson, Dale E. Matson, Quentin E. Matson, and Gregory E. Matson, equal stockholders of Matson, also seek to acquire control of said operating rights through the transaction. Matson is seeking to purchase the interstate operating rights of Foodtrain that are contained in Certificates in MC 141776 (Sub-18 and 34F), which authorize the transportation, as a common carrier, over irregular routes, of (1) *medicines, chemicals, toilet preparations, diet preparations, sweetening compounds, bandages, and surgical dressings*, (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Norwich Pharmaceutical Company, at Norwich and North Norwich, NY, to Chicago, IL, and Dallas, TX, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations; and (2) *confectionary and cough drops*, in vehicles equipped with mechanical refrigeration, from the facilities of Luden, Inc., at Reading, PA, to points in IL, IN, KY, MO, MI, MN, OH, WI, and WV. Matson is a motor common carrier pursuant to certificates issued in MC 105007 and sub-numbers thereunder. Ace Transportation Co., Inc., an affiliated company of Matson, is a motor passenger carrier pursuant to authority issued in MC 124370 and sub-numbers thereunder. Condition: Authorization and approval of this transaction is conditioned upon the cancellation of Foodtrain's Certificate MC 141776 (Sub-4), issued August 24, 1978, which

duplicates the authority being sold to Matson. (Hearing site: Washington, DC.)

Note.—Application for temporary authority has been filed.

Decided: March 17, 1980.

By the Commission, Review Board No. 5, Members Krock, Taylor, and Williams.

Agatha Mergenovich,
Secretary.

[FR Doc. 80-9151 Filed 3-25-80; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. MC-19 (Sub-23)]

Practices of Motor Common Carriers of Household Goods (Investigation into Estimating Practices)

February 19, 1980.

Notice to the parties:

This proceeding will be held in abeyance pending Congressional action on Senate Bill 1798, The Household Goods Transportation Act of 1979.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum and Alexis. Commissioner Trantum concurring with a separate expression.

Agatha L. Mergenovich,
Secretary.

Commissioner Trantum (Concurring)

Although timely Commission action on Ex Parte MC 19 (Sub-23) could have provided valuable input into the legislative process, the current status of the proceeding vis-a-vis the legislation is such that I shall reluctantly accede to holding the proceeding in abeyance.

[FR Doc. 80-9146 Filed 3-25-80; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29232]

Seaboard Coast Line Railroad Co.— Merger—Athens Terminal Co.— Exemption Under 49 U.S.C. 10505 From 49 U.S.C. 11343-11347

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: The proposed transaction is the merger of Athens Terminal Company (Athens) into the Seaboard Coast Line Railroad Company (SCL). A petition was filed with the Interstate Commerce Commission on January 2, 1980, seeking an exemption from 49 U.S.C. 11343-11347, which requires prior approval of the transaction by the Commission.

DATES: Comments must be received no later than April 25, 1980.

ADDRESS: Send comments to: Interstate Commerce Commission, 12th &

Constitution Ave. NW., Washington, D.C. 20423. All written submissions will be available for public inspection during regular business at the same address. Written submissions should refer to the above docket number.

FOR FURTHER INFORMATION CONTACT: Michael Erenberg, 202-275-7245.

SUPPLEMENTARY INFORMATION: On January 2, 1980, Seaboard Coast Line Railroad Company (SCL) and its wholly owned subsidiary Athens Terminal Company (Athens) filed a petition under 49 U.S.C. 10505 requesting that their proposed merger be exempted from the provisions of 49 U.S.C. §§ 11343-11347 on the basis that Commission review of the transaction is unnecessary.

Petitioners claim that the proposed transaction is one of limited scope, being "in essence no more than a 'paper' transaction which will have no effect on other carriers, employees or shippers" and which will in no way alter the transportation services now being offered by petitioners. They maintain that the proposed transaction is an attempt to simplify the SCL corporate family while continuing the nature, level, and extent of transportation services presently offered. Under these circumstances, petitioners contend, regulation (1) would not be required to carry out the transportation policy of 49 U.S.C. 10101, (2) would be an unreasonable burden on petitioners and interstate commerce, and (3) would serve little or no useful public purpose.

These assertions should be addressed in any comments.

The Transaction

SCL was incorporated in the Commonwealth of Virginia on January 26, 1944, as Seaboard Railway Company. Its present name was adopted on July 1, 1967, upon the merger of Seaboard Air Line Railroad Company and Atlantic Coast Line Railroad Company.

Athens Terminal Company was incorporated under the laws of the State of Georgia on October 4, 1906. It is a terminal railroad consisting of approximately 1.5 miles of tracks located entirely in the city of Athens, Clarke County, Georgia.

SCL owns all 250 shares of the outstanding capital stock of Athens. Athens also has outstanding bonded indebtedness in the principal amount of \$200,000, consisting of 3 percent bonds, 100 percent of which are also owned by SCL.

If this transaction is consummated, all assets and property of Athens would vest in SCL, which would then assume all liabilities and obligations of Athens.

All outstanding capital stock of Athens and all outstanding bonded indebtedness, all of which are owned by SCL, would be cancelled. No shares of capital stock, bonds or other securities or evidences of indebtedness shall be issued by SCL in connection with the merger.

Petitioners contend that since Athens is presently operated by SCL employees as an integral part of SCL, this merger will involve no changes in operations and will have no impact on employees or shippers, or on rail service. Likewise, because SCL is presently responsible under the lease for maintenance, fire insurance, taxes, salaries, and all other expenses and obligations relative to Athens' business and property, no increased financial obligation will accrue to SCL as a result of the merger. The benefits, they contend, are limited to administrative and incidental savings resulting from corporate simplification.

Petitioners allege that the transaction will not adversely affect other carriers, shippers, the public, or the present operations. Petitioners contend that the usual regulatory requirements contained in 49 U.S.C. 11343-11347 would be an undue burden and would serve no useful public purpose. They argue that the proposed transaction is precisely the type of activity the Congress had in mind in enacting 49 U.S.C. 10505.

The Statute

The merger of two railway companies is a transaction which requires the approval and authority of the Commission under 49 U.S.C. 11343-11347.

We can exempt a matter related to a rail carrier under 49 U.S.C. 10505 when the transaction or service is of limited scope and the Commission finds that application of the provisions of subtitle IV (1) is not necessary to carry out the transportation policy of section 10101 of this title; (2) would be an unreasonable burden on a person, class of persons, or interstate and foreign commerce; and (3) would serve little or no useful public purpose. Before granting an exemption we are required to provide the opportunity for a proceeding. This request for comments on the proposed exemption of the proposed transactions is that opportunity. All comments filed in response to this notice, along with the petition, will be used to determine whether or not the exemption under 49 U.S.C. 10505 should be granted.

This proceeding is instituted under the authority of 49 U.S.C. 10505 and pursuant to 5 U.S.C. 553, 559.

This is not a major action significantly affecting either energy consumption or the quality of the human environment.

Dated: March 6, 1980.

By the Commission, Chairman Gaskins, Vice-Chairman Gresham, Commissioners Stafford, Clapp, Trantum and Alexis.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-9144 Filed 3-25-80; 8:45 am]

BILLING CODE 7035-01-M

[AB 55 (SDM)]

Seaboard Coast Line Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Seaboard Coast Line Railroad Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 55 (SDM). The Commission on March 4, 1980, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 55(SDM).

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-9148 Filed 3-25-80; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29144; Service Order No. 1411; Supplemental Order No. 3]

St. Louis Southwestern Railway Co.—Temporary Authority and Authority to Operate Over—Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee) Between Santa Rosa, N.M., and St. Louis, Mo.

Decided: March 14, 1980

Background

On December 6, 1979, we authorized the St. Louis Southwestern Railway Company (SSW)—a subsidiary of Southern Pacific Transportation Company (SPT)—to operate the "Tucumcari Line" ¹ of the Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, Trustee)

¹ The "Tucumcari Line" extends from Santa Rosa, NM, to St. Louis MO (via Kansas City, MO/KS), a total distance of 965.2 miles. It includes the branch line from Bucklin to Dodge City, KS, a distance of 26.5 miles.

("Rock Island" or "RI") under 49 U.S.C. 11123. See *St. Louis S. W. Ry. Co.—Temp. Authority—Chicago, R. I. & P.*, 360 I.C.C. 539 (1979), 44 FR 72261 (December 13, 1979). This action was taken in partial response to the continuing emergency on the Rock Island rail system, which had earlier led us to direct Kansas City Terminal Railway Company (KCT)—the "directed rail carrier" (DRC)—to provide federally subsidized service under 49 U.S.C. 11125. See *Kansas City Term. Ry. Co.—Operate—Chicago, R. I. & P.*, 360 I.C.C. 289, 478, 718 (1979–1980); 44 FR 56343 and 70733 and 45 FR 14578 (1979–1980).

On February 11, 1980, SSW filed a petition seeking certain modifications to Service Order No. 1411. A number of parties filed replies to SSW's petition and counterrequests. For the reasons discussed below, we will modify Service Order No. 1411 to incorporate the parties' negotiated labor protection agreement and to clarify the terms of use of joint facilities.

Procedural Matters

Time extension requests.—SSW sought an extension of time limits through February 21, 1980, for its negotiations with the RI Trustee, employee representatives, and affected rail carriers.

Since the replies to SSW's petition were not due until March 3, 1980, we delayed action on SSW's time extension requests until we had an opportunity to hear all the pertinent evidence. We shall now retroactively modify the deadlines from which SSW sought relief to comport with this decision.

Pleadings.—In its petition of February 11, 1980, SSW sought a modification of negotiating periods and further relief regarding rent to the RI Trustee, employee protection, and joint facilities agreements. In reply, the RI Trustee requests payment of rent from SSW for SSW's use of the Tucumcari Line under Service Order No. 1411.

SSW has also submitted a report on joint facilities negotiations, and negotiations with the RI Trustee and KCT. Union Pacific Railroad Company (UP) filed a petition for an order setting terms of a temporary joint facilities agreement with SSW, to which SSW has replied. In addition, UP filed with us a copy of a telegram to SPT regarding possible joint facilities arrangements between UP and SSW in operating under Service Order No. 1411. SPT has filed a copy of its reply to UP's telegram.

Discussion and Conclusions

Overview.—There are four major issues before us: (1) rent from SSW to

the RI Trustee; (2) employee protection; (3) joint facilities arrangements incidental to the operation of the Tucumcari Line; and (4) operational problems. We shall address each of these issues in turn.

Rent to RI Trustee

Arguments.—SSW objects to compensating the Trustee for its use of the Tucumcari Line and related facilities (other than cars and track equipment). In support of its position, SSW cites Directed Service Order No. 1398, where we noted that no compensation or rental for the use of RI lines and facilities would be required where a directed carrier's costs of providing directed service exceeded revenues. *KCT—Operate—CRI&P*, *supra*, 360 I.C.C. 289 at 307. Further, SSW argues that since it has an affirmative duty under Service Order No. 1411 to preserve the line's condition, the payment of rent to the Trustee for use of the line would constitute an unwarranted windfall to the Trustee.

The Trustee argues that SSW cannot rely on Directed Service Order No. 1398, since the issue of line-related rent in a directed service context has been appealed by the RI Trustee to the U.S. Court of Appeals for the Seventh Circuit which is currently considering the matter. Moreover, since the statutory basis for Service Order No. 1411 is entirely different than that for Directed Service Order No. 1398, the treatment of line-related rent in the latter cannot properly govern the former. Under 49 U.S.C. 11123, agreement on compensation by the carriers involved in a service order is clearly contemplated; only if the carriers cannot resolve their differences may the Commission set reasonable compensation terms for them. This is in marked contrast to directed service orders under 49 U.S.C. 11125, where there is no requirement that the involved carriers negotiate the compensation terms. Accordingly, the RI Trustee argues that SSW must compensate the estate for its use of RI's Tucumcari Line under Service Order No. 1411, whether the terms of such compensation are negotiated by SSW and RI, or are fixed by the Commission.

Conclusion.—We agree with the Trustee and reject SSW's contention that it owes no rent for its use of the Tucumcari Line and related facilities. Section 11123 clearly requires that compensation for the use of facilities under a service order either be negotiated by the affected carriers or set by the Commission. SSW's reliance on the rent issue in Directed Service Order No. 1398 is misplaced. Not only is that

issue currently being litigated, but it involves a statutory basis entirely different from that underlying Service Order No. 1411.

Further, SSW's contention that the payment of line-related rent in Service Order No. 1411 would constitute a "windfall" to the RI Trustee does not negate the need to establish compensation terms, but merely goes to the amount of compensation reasonable under the circumstances.

We do not believe, however, that we should determine the level of line-related rent at this time. Rather, we shall afford the parties an opportunity to negotiate reasonable terms of use and compensation. If, at the end of Service Order No. 1411's effectiveness, the parties are still unable to agree, we will consider reasonable compensation terms.

Employee Protection

In its February 11, 1980 pleading, SSW sought to limit its liability for employee protection. However, in a pleading filed March 10, 1980, SSW altered its request regarding employee protection. In that submission, SSW stated that it is willing to enter upon and operate the Tucumcari Line at 12:01 a.m. (central time) March 24, 1980, if the Commission cancels its earlier employee protection requirements and substitutes for them the terms of an employee protection agreement negotiated between the parties. We agree with SSW's later request.

On March 4, 1980, a number of rail labor organizations and interested carriers, including SSW, signed an employee protection agreement entitled *Labor Protective Agreement between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations operating through the Railway Labor Executives' Association* (hereafter "employee protection agreement" or "March 4 accords") (Appendix A to this decision).

We have reviewed the employee protection agreement and find that it adequately safeguards the interests of affected employees. The protection afforded in that agreement is similar to that which we determined to be appropriate under 49 U.S.C. § 11347 in rail acquisition proceedings, in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979) (*New York Dock II*). Indeed, the protection agreed to may be superior to that afforded by *New York Dock II*, since it is tailored specifically to the current RI situation. In any event, we do not believe we are legally required to

provide more protection than the parties have themselves agreed to in the March 4 accords.

We commend the parties for negotiating a mutually acceptable private solution to the RI labor situation and encourage the development of similar negotiated settlements whenever possible in the future. Accordingly, we shall incorporate by reference the labor protection agreement—and any subsequent amendments to it—as the appropriate level of employee protection in this proceeding.

Use of Joint Facilities

Arguments.—In Supplemental Order No. 2 in this proceeding, we directed SSW to negotiate with carriers—such as KCT and UP—who hold a property interest in parts of RI's Tucumcari Line. These negotiations were to resolve such issues as joint operations and compensation over segments of the Tucumcari Line which RI operated under joint facilities agreements.

SSW has reported substantial progress in concluding these agreements, with one exception. SSW and UP have been unable to agree on the terms of an agreement regarding operations by SSW under Rock Island trackage rights over UP's line between Topeka, KS, and Kansas City. Accordingly, UP has asked us to set the terms of a temporary joint facilities agreement between UP and SSW.

UP has offered to let SSW operate over its Topeka/Kansas City line on terms of compensation similar to those prescribed by the Commission in earlier compensation cases under 49 U.S.C. § 11123 (formerly 49 U.S.C. 1(15)) and 49 U.S.C. 11103 (formerly 49 U.S.C. 3(4) and later 3(5)). SSW, however, contends that UP will be adequately compensated for SSW's use of this trackage if SSW subrogates itself to RI's position under the existing RI/UP trackage rights agreement and compensates UP pursuant to that agreement. Since UP and RI have already negotiated terms governing the use of UP's trackage by RI (and its "lessees, grantees and successors"), SSW argues that the imposition of different compensation terms is both unwarranted and improper.

More specifically, SSW argues that UP is receiving adequate compensation under the agreement and that negotiation of new terms could delay, and possibly thwart, our attempt to expedite the provision of temporary emergency service over the Tucumcari Line. Further, a subrogation of SSW to RI's position under the existing trackage rights agreement would involve no taking of UP property. Rather it is an RI

property interest (its leasehold interest under the agreement) which is being taken. Thus UP is not entitled to any more compensation than it is currently receiving.

UP challenges SSW's subrogation argument and contends that its express consent is necessary before SSW can operate the Topeka/Kansas City segment under RI's trackage rights. Subrogation of SSW to RI's position would purportedly be unfair to UP by requiring UP to "accept a major competitor as a tenant under an outdated [1887] agreement." Thus, UP requests us to set compensation terms, prior to any actual operations by SSW, governing SSW's operation of the Topeka/Kansas City segment. UP's proposed terms would allegedly require SSW to pay a trackage rental approximately 10 times higher than the present rental under the 1887 trackage rights agreement, and would purportedly be based on a trackage valuation approximately 9 times greater than ledger value.

Conclusion.—We must reject UP's arguments. While 49 U.S.C. 11123 contemplates that emergency Commission actions under that statute will be "on terms of compensation the carriers establish between themselves * * *," we do not believe that UP is one of the carriers entitled to statutory compensation in the present situation.

The compensation envisioned by section 11123—as well as the basic dictates of due process—is compensation between the carrier ordered to use the facilities of another and the carrier owning (or having a legal right to operate) those facilities. In Service Order No. 1411, we ordered SSW to operate RI's Tucumcari Line. While certain segments of the Tucumcari Line are not owned by RI, the Rock Island nonetheless has a property interest (trackage right) permitting it to use those line segments. The effect of Service Order No. 1411 was to allow SSW to subrogate itself to RI's legal right to operate over the Tucumcari Line and act as RI's surrogate in running that line during the present RI emergency. Thus, Service Order No. 1411 entails no taking of non-RI property rights and does not entitle other carriers to additional compensation for operations formerly performed by RI. Moreover, to grant UP's request would mean that compensation for the use of the Topeka/Kansas City line segment would flow from SSW to UP, rather than to RI, thereby depriving RI of its trackage rights in the line segment without just compensation.

RI has been operating over UP's Topeka/Kansas City segment of the

Tucumcari Line under a trackage rights agreement which provides that RI's rights are fully assignable to RI's "lessees, grantees and successors." Under Service Order No. 1411, SSW is clearly a successor to RI for the duration of the emergency. Accordingly, SSW is entitled to operate over the segment and UP is entitled to no greater compensation than it agreed to in the 1887 contract. The only possible exception to this would be if SSW utilized RI's trackage rights in a manner not permitted by the 1887 agreement. In this event, SSW would be doing more than merely subrogating itself to RI's property interest under the trackage rights agreement, and would possibly be encroaching upon UP's property interest in the Topeka/Kansas City Line segment. In order to safeguard UP's due process rights, we expressly reserve jurisdiction to consider allegations of such misuse and to prescribe appropriate compensation for any encroachments upon UP's property interests.

Accordingly, absent a showing of improper use of RI's trackage rights by SSW, we believe UP will be adequately compensated by receiving the rent to which it is entitled under the existing RI/UP trackage rights agreement. We realize this approach deviates somewhat from our previous view of this issue in Supplemental Order No. 2, but we are persuaded by a closer examination of the pertinent facts and law. Further, no one is prejudiced by this change, since no major action has yet been taken in accordance with our earlier interpretation. Of course, SSW is not barred from negotiating with UP, KCT and any similarly situated carriers regarding joint operations and compensation, if it believes this would facilitate operations under Service Order No. 1411.

Operational Difficulties

In operating the Tucumcari Line under Service Order No. 1411, SSW may encounter certain operational difficulties. We encourage SSW to seek negotiated solutions to such problems, but reserve the right to resolve any particularly difficult problems through our Railroad Service Board (subject to certification to the entire Commission).

SSW and DCT-DRC have been negotiating an agreement to resolve operating problems and settle certain questions of liability regarding SSW's operations under Service Order No. 1411. As soon as practicable, we will review its merits and approve or reject the draft agreement.

SSW and KCT-DRC have not been able to agree on three significant areas

and have requested us to resolve these matters now. The three areas are vacation indemnification, employee protection, and line rehabilitation.

Vacation indemnification.—SSW proposes that KCT-DRC pay a *pro rata* portion of 1981 vacation costs for RI employees hired by SSW under Service Order No. 1411 equal to the ratio that the number of days they worked for KCT-DRC bears to the total number of days worked in 1980. This would result in KCT-DRC paying (with directed service funds) between one-quarter and one-half of the vacation pay of such employees during 1981.²

We do not believe that KCT-DRC and, ultimately, the Federal taxpayers should be saddled with this liability. SSW has voluntarily sought authority to operate the Tucumcari Line and should bear all reasonably related costs. Vacation pay is a reasonably related expense of conducting rail operations. Moreover, since SSW seeks to purchase the Tucumcari Line in Finance Docket No. 28799, it is reasonable to assume that liabilities such as vacation pay have been factored into the purchase price. Accordingly, we see no reason for the Federal Treasury to reimburse SSW for this operation expense. While there is a possibility that SSW's purchase request may not be granted, this is a risk that SSW may appropriately be required to bear.

Employee protection.—Under DSO No. 1398 and Service Order no. 1411, both KCT-DRC and SSW are authorized to operate between Kansas City and Herington, KS. Accordingly, SSW may be asked to provide certain services to KCT-DRC, such as operating trains over this line segment for KCT-DRC's account or providing switching and yard services.³ SSW proposes that KCT-DRC indemnify SSW for any labor claims (including employee protection claims) filed against it by employees hired by SSW to perform work for KCT-DRC.

We reject SSW's request for indemnification of labor claims for

several reasons. KCT-DRC has no legal obligations to protect RI employees hired by SSW, regardless of whether or not those employees perform directed service-related activities. Moreover, any work which SSW chooses to perform for KCT-DRC on the Herington/Kansas City line segment should not require the hiring of special employees, but rather should be performable by employees already hired by SSW to operate that line segment under Service Order No. 1411. Finally, since SSW will benefit from the coordination of activities between itself and KCT-DRC over the pertinent line segment, we do not believe it appropriate to reimburse SSW with a Federal subsidy for coordinating such activities. This is particularly so in light of SSW's initial representations in this proceeding that it would fully protect affected employees with its own funds.

Line rehabilitation.—SSW proposes that KCT-DRC should undertake responsibility for prompt payment, with directed service funds, of all reasonable expenses incurred for repairing or restoring any facilities damaged or destroyed during KCT-DRC's operation of the RI system under directed service. We disagree.

Whatever the Government's obligations may be regarding the RI estate, we do not believe Federal funds should be used to enhance the quality of RI's Tucumcari Line for the benefit of SSW. Any contractual interest SSW may have in the line's conditions under its purchase contract with the RI Trustee is a matter for resolution between those parties exclusively.

We will consider, when appropriate, any claim by the RI Trustee that he is entitled to compensation for deterioration of the line is a result of directed service operations (normal wear and tear excepted). We are unwilling, however, to furnish SSW with Federal funds, through the medium of KCT-DRC, to rehabilitate the line for SSW's exclusive benefit.

Conclusion

For the foregoing reasons, we conclude that the petitions for modification of Service Order No. 1411 should be partially granted, as discussed in this decision.

This action will not significantly affect either the quality of the human environment or conservation of energy resources.

It is ordered:

(1) Service Order No. 1411 is modified and clarified in the manner indicated above.

(2) The various petitions for modification of Service Order No. 1411

are denied, except to the extent indicated above.

(3) Any difficulties regarding implementation of the matters encompassed by this decision shall be brought to the attention of the Commission's Railroad Service Board (with copies to the other Commission offices listed in Service Order No. 1411), which shall recommend to us an appropriate resolution of the difficulty or modification of this decision.

(4) This decision shall be effective on its service date.

By the Commission. Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, and Alexis. Commissioner Stafford concurring with a separate expression.

Agatha L. Mergenovich,
Secretary.

Commissioner Stafford (concurring:)

I still question the legality of the transfer of the trackage rights and the grant of temporary operating authority.

[FR Doc. 80-9150 Filed 3-25-80; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 297 (Sub-No. 4)]

Reopening of Section 5a Application Proceedings To Take Additional Evidence

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Reopening to Take Additional Evidence.

SUMMARY: The Interstate Commerce Commission is reopening the record in Ex Parte No. 297 (Sub-No. 4), Application Nos. 22, 23, 25, 33, 34, 45, 46, 48, 49, and 60 in order to accept additional evidence submitted by the Federal Trade Commission as well as comments on this evidence by other participants. The Commission believes that supplementing the record in this manner will provide a better record on which to reach a decision.

DATES: Comments on this evidence by prior participants in this proceeding and other interested persons must be filed by June 24, 1980.

ADDRESSES: An original and 15 copies, if possible, of comments should be forwarded to: Room 5356, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Richard Felder or Jane Mackall (202)-275-7693.

SUPPLEMENTARY INFORMATION: The Federal Trade Commission (FTC) filed a petition on December 18, 1979, to reopen the record in this proceeding for the purpose of receiving additional evidence

² Under the pertinent labor agreements, employee vacation rights accrue a year in advance. Moreover, an employee becomes entitled to his entire vacation (from 1 to 5 weeks, depending on seniority) after working 100 working days of the year. Thus, the right to take vacation during the first part of directed service (the last 3 months of 1979) was earned in the first part of 1978, and employees working in 1980 for KCT-DRC are accruing time toward the 100 working days they must work in 1980 to become entitled to their full vacation in 1981. For most employees utilized by KCT-DRC, the right to 1981 vacation will be earned between the middle and end of May 1980.

³ While actual directed service operations by KCT-DRC are scheduled to expire on March 23, 1980, ancillary "clean-up" operations by KCT-DRC have been authorized to extend beyond this date. See *KCT—Operate—CRIP*, supra, 360 I.C.C. 718 (1980).

applicable to certain section 5a general commodity agreements. The evidence consists of an analysis of data obtained from the Continuous Traffic Study (CTS), which is an industry sampling of waybills from the ten major rate bureaus.

Historically, the CTS data was unavailable outside of the industry. However, after the record in this proceeding was closed, the rate bureaus submitted the data to the Senate Judiciary Committee for analysis. The Committee made the results of their analysis available to a number of federal agencies, including FTC. FTC then prepared an independent analysis of the Committee's results, concluding that rate bureau immunity is unnecessary for long-haul carriers of less-than-truckload (LTL) general commodities, because of the "near absence of competition provided by other sectors of the motor carrier industry or by other modes." It is this analysis which FTC wishes to introduce into the record.

A decision has not as yet been reached in this proceeding. We believe this evidence will be useful and, thus, will accept it into the record.

The Eastern Central Motor Carriers Association, Inc. filed a letter on January 2, 1980, requesting that the petition be rejected because FTC is not a party to that portion of the proceeding pertaining to their application, since it waived its opportunity to participate by not filing a statement before the close of the record. In the alternative, the Bureau requests at least 90 days in which to file comments on the FTC statement.

When we reopened the applications in this proceeding the Notice stated that applicants in all of the proceedings were to serve a copy of their evidence on the FTC, as well as the Department of Justice. Thus, we contemplated that FTC would be a party to these proceedings. FTC in fact filed comments in Application No. 23, Middle Atlantic Conference, No. 46, Southern Motor Carriers Rate Conference, and No. 60, Rocky Mountain Motor Tariff Bureau. In analyzing the evidence in Ex Parte No. 297 (Sub-No. 4), we have grouped the applications into seven categories so that we can consider the same types of agreements together. This is the most logical way to assess the effects of the agreements on the national transportation policy. It would serve no useful purpose to accept the FTC statement only for those applications in which it originally filed statements, since the evidence is applicable as well to the other general commodity agreements for which the FTC seeks reopening. However, we will grant the

alternative relief requested by Eastern Central and allow 90 days for comments in response to the FTC statement.

This decision will not significantly affect either the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10706 and 4 U.S.C. 553)

Decided: March 6, 1980.

By the Commission. Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum and Alexis.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-9157 Filed 3-25-80; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 305 ¹]

Nationwide Increase of 10 Percent in Freight Rates and Charges, 1974

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposal to rescind orders.

SUMMARY: The Interstate Commerce Commission is giving consideration to rescinding orders which impose spending restrictions on revenues obtained from the 7 percent general increase in rates authorized in this proceeding. Special accounting instructions and reporting requirements associated with the spending restrictions also are under consideration for cancellation.

COMMENTS: Comments must be received on or before April 25, 1980.

ADDRESS: Send an original and 15 copies of comments to: Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder, Telephone: (202) 275-7693.

SUPPLEMENTARY INFORMATION: By order served June 3, 1974, the Commission suspended a 10 percent general rate increase. However, the Commission authorized the increase subject to the condition that revenues generated by 7 percent of the 10 percent increase be spent on deferred maintenance and delayed capital improvements.² The spending requirements were based upon the carriers' own representations in their justification for the increase. The Commission found that the proposed increases would have been unjust and unreasonable without the conditions.

¹ Also embraces Ex Parte No. 305 RE, Increased Freight Rates and Charges, 1975, Recyclable Materials.

² Three percentage points were for increased material and supply costs, other than fuel.

The order also imposed reporting and recordkeeping requirements on the carriers relating to deferred maintenance and delayed capital improvements.

Subsequently, on July 22, 1974, the Commission defined deferred maintenance and delayed capital improvements for the purposes of Ex Parte No. 305, issued more specific accounting instructions, including an allowance for increased income taxes; and set forth the details of the required reporting. All carriers were made subject to the accounting instructions; the reporting requirements were applied to class I railroads.³

The Commission made the increases permanent⁴ on December 29, 1977, and authorized use of funds generated by the increase for the purpose of any capital improvement.

Carriers are required to meet the average base period (July 1, 1971-June 30, 1974) spending levels before using the Ex Parte No. 305 increase generated funds.⁵ The Commission, on February 8, 1979, prescribed an inflation index factor to update the spending levels. At the same time new schedules were added to the Annual Report R-1 which eliminated the need for semi-annual reports.⁶ This order is now under judicial review.⁷

The Commission is considering whether it should any longer hold carriers to conditions they agreed to in 1974 to avoid suspension and loss of potential revenues. Initially, the Commission found that without the conditions the increases would have been unjust and unreasonable and contrary to the dictates of the national transportation policy. Later, the increases were made permanent, with the Commission agreeing that the carriers needed the revenues to "prevent a precipitous decline in the railroads' overall financial condition." With the passage of time there is little to distinguish the justification for Ex Parte No. 305 general increases from the many which followed. Since Ex Parte No. 305, the Commission has approved increases cumulatively amounting to approximately 55 percent in 9 separate

³ The Long Island Rail Road did not join in the increases and was exempted from the conditions.

⁴ Originally, the increases were to expire June 30, 1975, unless otherwise ordered. The expiration date was subsequently extended to April 30, 1976, January 1, 1977, and January 1, 1978.

⁵ Some carriers have a different base period.

⁶ Originally, the reports were required quarterly. Semi-annual reports were prescribed December 28, 1976.

⁷ United States Court of Appeals for the Fourth Circuit, No. 79-1220, *Norfolk and Western Railway Company, et al., v. Interstate Commerce Commission and the United States of America*.

proceedings. In each of these cases, revenue levels which included the Ex Parte No. 305 increase have been evaluated. In no instance have we concluded that these overall revenue levels were unreasonable. A further increase of 3.4 percent is currently under consideration.

The Commission's policy in general rate increase cases has been to permit recovery of costs due to inflation. It has further stated that, "Revenue adequacy should not be sought, and will never be achieved, by across-the-board ratemaking alone." Since enactment of the 4R Act, the Commission has undertaken under section 205, to determine the adequacy of railroad revenues. Recently in this process the Commission stated that the key to attainment of revenue adequacy lies ultimately in improved economy and efficiency in all areas of performance, particularly through the elimination of excess capacity and through efficient pricing. While recognized the role of enlightened government action, that admonition gives primacy to improvements in all aspects of carrier management. The limitation on managerial discretion as represented by the spending restrictions may not be fully in accord with the Commission's view that the carrier earnings should eventually rise as the result of necessary restructuring, pricing reforms, efficient management and sound investment decisions.

The Commission is further concerned that the spending norm established in Ex Parte No. 305 may no longer be an appropriate guide. The inflationary increases in prices since 1974 have substantially eroded the base period average data. Prescription of an inflation adjustment factor, while useful in restating the standard in more current dollars, leaves the more significant question of its validity unanswered. Operating and traffic conditions have undoubtedly changed over the intervening years and will continue to do so. In fact, as stated above, carriers are expected to effect necessary restructuring, pricing reforms and sound investments. Carriers' average spending actions in the base period may not stand the test of prudent management in 1980 and the years ahead. It is, therefore, questionable that the Commission should insist on this particular measure to determine whether carriers are reducing deferred maintenance and expanding capital improvements.

Consistent with the Commission's policy to keep carrier reporting burdens to a minimum essential for regulatory needs, elimination of the spending

limitations should also eliminate the reporting requirements associated therewith.

It is apparent that the reporting requirements are burdensome to the carriers and produce information of questionable value. There is reason to believe that the reporting is neither uniform nor consistent among the railroads. The numerous general rate increases since Ex Parte No. 305 make it increasingly difficult for the carriers to identify the revenues generated by it. And, in practice, the reported data may have limited usefulness in gauging the carriers progress in reducing deferred maintenance and expanding capital investments.

The Commission has from time to time permitted a number of railroads to apply Ex Parte No. 305 funds to other corporate purposes. Classification of railroads for reporting purposes was changed January 1, 1978, which relieved additional carriers of the reporting requirements. Conrail is permitted to report that in a technical sense it has no deferred maintenance or delayed capital improvements. However, at the time the Ex Parte No. 305 increase was authorized, Conrail's predecessor railroads were a large source of deferred maintenance and delayed capital improvements. The result is that one of the major causes which led to the spending restrictions is now largely unaffected by it and is not included in the reporting. A similar situation exists for the Rock Island and the Milwaukee which were granted permission to use Ex Parte No. 305 funds for general corporate purposes. Another large Eastern Railroad consistently claims it has no deferred maintenance. And it is understood that from time to time some carriers reevaluate and revise lists of deferred maintenance items while others do not.

Apart from the reporting required under Ex Parte No. 305, the Annual Report R-1 (1979) requires submission of a considerable amount of information respecting track and traffic conditions and inventory of equipment. Data on serviceable and unserviceable equipment are reported to the Association of American Railroads by carriers on a periodic basis and are readily available for Commission use. The availability of these data raises the question of whether the Ex Parte No. 305 data, given their possible infirmities and limitations, are necessary to evaluate carriers' maintenance and capital investment trends. Further, the Securities and Exchange Commission requires detailed disclosure of deferred maintenance to potential rail investors.

Section 504 of the 4R Act provided for a capital needs study by which each class I railroad disclosed to the U.S. Department of Transportation its deferred maintenance and delayed capital expenditure levels as of December 31, 1975, and estimates of condition through 1985. Related reporting is required in connection with section 505 of the 4R Act which provides for federal financing to rehabilitate deteriorated rail facilities.

The Commission has already stated that it does not expect the spending conditions to remain in effect in perpetuity. For the reasons indicated, it is now time to question whether anything further can be gained by their retention. By rescinding the Ex Parte No. 305 orders, the Commission would simply remove a requirement in 1980 and for the years ahead that may be for the carriers an unnecessarily burdensome complexity in exercising discretion in spending decisions. It would in no way relieve carriers of their primary responsibility effectively to manage their operations to promote improved service to the public.

Dated: March 6, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum and Alexis. Vice Chairman Gresham concurring.

Agatha L. Mergenovich,
Secretary.

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 701-TA-1 (Final)]

Unlabeled Leather Footwear Uppers From India

Determination

On the basis of the record¹ in investigation No. 701-TA-1 (Final), the Commission unanimously determined, pursuant to section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)), that an industry in the United States is not materially injured, or threatened with material injury, and that the establishment of an industry in the United States is not materially retarded, by reason of the importation of unlabeled leather footwear uppers (provided for in item 791.27 of the Tariff Schedules of the United States) from India upon which the Department of the Treasury determined a bounty or grant of 1.01

¹The "record" is defined in sec. 207.2(j) of the Commission's *Rules of Practice and Procedure* (19 CFR 207.2(j)).

percent ad valorem is being paid by the Government of India.

Background

The Commission received advice from Treasury on October 24, 1979, regarding the bounty or grant on unlabeled leather footwear uppers and thereafter instituted an investigation (No. 303-TA-11) under section 303 of the Tariff Act of 1930. Because that investigation had not been completed at the time the new countervailing duty provisions became effective (Jan. 1, 1980), the investigation was terminated and reinstituted as investigation No. 701-TA-1 (Final) pursuant to section 102 of the Trade Agreements Act of 1979.

Notice of the termination of the earlier investigation and institution of the new investigation and of the public hearing to be held in connection therewith was duly given by posting copies of the notice at the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and at the Commission's office in New York City, and by publishing the notice in the *Federal Register* of January 17, 1980 (45 FR 3402). The hearing was held in Washington, D.C., on February 4, 1980; all persons requesting the opportunity were permitted to appear in person or by counsel.

Statement of Reasons of Chairman Catherine Bedell and Commissioners George M. Moore and Paula Stern

On the basis of the record developed in this investigation, we determine, pursuant to section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671(b)), that an industry in the United States is not materially injured or threatened with material injury, and that the establishment of an industry in the United States is not materially retarded, by reason of imports of unlabeled leather footwear uppers¹ from India with respect to which the U.S. Treasury Department has found that a subsidy is being provided.

The Domestic Industry

In this investigation we have concluded that the appropriate domestic industry against which the impact of the subsidized imports from India should be measured consists of the facilities in the United States producing nonrubber footwear. There are approximately 350 domestic producers of nonrubber footwear.² There is no known trade in

domestically produced unlabeled leather footwear uppers;³ it appears that virtually all such uppers are manufactured by domestic producers of nonrubber footwear and are captively consumed by those producers in the production of finished nonrubber footwear.⁴ Domestic producers of nonrubber footwear do not maintain separate profit-and-loss, employment, and other key data on the shoe upper segment of their footwear production.⁵ Thus, there is insufficient data to permit us to identify separately domestic production of such uppers in terms of the statutory criteria.

Our finding concerning the composition of the appropriate domestic industry is based on section 771(4) of the Tariff Act of 1930 (19 U.S.C. 1677(4)). Section 771(4)(A) defines the term "industry" to mean the domestic producers of a "like product", and section 771(10) defines the term "like product" to mean "a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title." Section 771(4)(D) further provides that "If the domestic production of the like product has no separate identity in terms of [the statutory] criteria, then the effect of the subsidized . . . imports shall be assessed by the examination of the production of the narrowest group or range of products, which includes a like product, for which the necessary information can be provided."

U.S. producers of nonrubber footwear are the importers and/or consumers of all the imported Indian uppers.⁶ Section 771(4)(B) of the Tariff Act provides that the Commission may exclude from the industry producers related to the exporters or importers or producers which are themselves importers of the subsidized merchandise. However, because the domestic importers and consumers of the Indian uppers are among the largest producers of the types of footwear incorporating the Indian and like domestically produced uppers, exclusion from the industry of such firms would have the effect of excluding the more important producers of footwear incorporating this type of upper. It is therefore not appropriate to exclude such firms from the scope of the domestic industry in this case.

The Subsidy

The Department of the Treasury found aggregate benefits on leather uppers in

the amount of 1.01 percent ad valorem. The benefits were in the form of cash rebates, preferential export financing, and income tax exemptions.⁷

The question of Injury⁸

We have found that domestic nonrubber footwear producers are not materially injured or threatened with material injury by reason of the 1.01 percent ad valorem Indian subsidy on leather uppers.

Imports of unlabeled leather footwear uppers from India have increased considerably in recent year but remain insignificant when measured against estimated U.S. production and consumption of like uppers. Imports of such Indian shoe uppers increased from 340,000 pairs in 1977 to 630,000 pairs in 1978 and to 765,000 pairs in January-October 1979, but never accounted for as much as 0.5 percent of U.S. upper consumption during that period.⁹

There is little, if any, known trade in shoe uppers among U.S. producers since they use the uppers in their own production of nonrubber footwear. Thus, there are apparently no arm's-length sales of domestically produced uppers which would show price trends or indicate import-related price depression or suppression. Arm's-length sales occur only after the footwear is in finished form. Nevertheless, the impact of a subsidy of 1.01 percent ad valorem on the price of finished nonrubber footwear is inconsequential. The total value of all shoe upper imports from India was \$3.1 million in 1978 and \$5.5 million in 1979.¹⁰ Sales of finished footwear by U.S. nonrubber footwear producers exceeded \$3 billion in 1978, the last full year for which such data were available.¹¹ If the Indian subsidies had any effect on U.S. nonrubber footwear prices, it was to make them more competitive with prices of imported footwear, since it is U.S. nonrubber footwear producers which purchase the Indian shoe uppers.

It was also difficult to assess the impact of the imports from India on U.S.

¹ Id., at pp. A-7-8.

² Because there is an established domestic industry in this case, the issue of material retardation of the establishment of an industry is not before us. Commissioner Stern refers readers to her additional views on the state of the domestic industry which form part of the basis for her determination in this investigation.

³ Report, at pp. A-11, A-18-19. Domestic production of unlabeled leather footwear uppers, although unknown, approximates domestic production of leather because all leather footwear contains leather uppers and because imports and exports of such uppers are relatively small in comparison with leather footwear production. The United States produced about 226 million pairs of leather footwear in 1978 and about 212 million pairs in 1979. See the report, at p. A-13.

⁴ Report, at p. A-17.

⁵ Id., at p. A-21.

⁶ Report, at pp. A-8-9.

⁷ Id., at pp. A-8, A-13, A-16.

⁸ See the report, particularly at pp. A-19-22.

⁹ Report, at p. A-10.

¹ Specifically, uppers of leather cut or wholly or partly manufactured into forms or shapes suitable for conversion into footwear, provided for in item 791.27 of the Tariff Schedules of the United States.

² See attached Commission report, at p. A-8 (hereinafter report).

producers on the like product. As noted above, U.S. producers of the like product, which are also producers of finished nonrubber footwear, are the importers and/or consumers of the imported Indian shoe uppers. The bulk of the Indian shoe uppers are intended for use in men's moccasin-style footwear, and the importing/consuming firms are domestic producers of finished footwear of the type.¹² It is doubtful whether such firms would continue to import such shoe uppers if they found them to be injurious.

Conclusion

We therefore conclude that an industry in the United States is not materially injured or threatened with material injury, and that the establishment of an industry in the United States is not materially retarded, by reason of imports of unlabeled leather footwear uppers from India which the U.S. Treasury Department has found are being subsidized.

Additional Views of Commissioner Paula Stern

The State of the Domestic Industry

The Commission considered a wide variety of economic indicators, some of which indicated problems. Sec. 771(7)(C) of the Tariff Act of 1930 requires the Commission to examine material injury by evaluating "all relevant economic factors * * * including, but not limited to * * *" output, sales, market share, profits, productivity, return on investments, capacity utilization, factors affecting domestic prices, cash flow, inventories, employment, wages, growth, ability to raise capital, and investment.

U.S. output (production) of both leather and nonrubber footwear (the latter includes leather footwear) have both declined in recent years. Domestic leather footwear production was 226.7 million pairs in 1977, 226.3 million pairs in 1978, and 212.2 million pairs in 1979. Domestic nonrubber footwear production was 413.7 million pairs in 1977, 418.9 million pairs in 1978, and 381.4 million pairs in 1979.¹³ Imports of Indian uppers, which were consumed in the production of such footwear and are thus indirectly reflected in the domestic leather and nonrubber footwear production statistics, never accounted for as much as 0.5 percent of the uppers used in the production of such footwear and there is no indication that they were a factor in the decline in such production. Because nonrubber footwear inventories have been relatively

stable,¹⁴ I believe trends in domestic nonrubber footwear sales have paralleled trends in domestic nonrubber footwear production in recent years.

Data available to the Commission show that the ratio of net operating profit to net sales for producers of nonrubber footwear increased from 4.4 percent to 5.0 percent between 1977 and 1978, the last year for which data were available.¹⁵ Capacity utilization by nonrubber footwear producers declined irregularly during the period 1977-1979, from 75.0 percent to 73.3 percent.¹⁶ Domestic nonrubber footwear inventories increased from 36.1 million pairs in 1977 to 40.0 million pairs in 1978, the last year for which such data were available.¹⁷ Employment in the domestic nonrubber footwear industry declined from 159,900 workers in 1977 to 157,800 in 1978, to 148,900 in 1979.¹⁸ Capital expenditures for new plant and equipment in the nonrubber footwear industry increased from \$5 million in 1977 to \$63 million in 1978, the last year for which such data were available.¹⁹ There were no data available concerning industry productivity, return on investment, cash flow, wages, growth, and ability to raise capital. The absence of any factor which the Commission is required to evaluate does not give decisive guidance concerning the Commission's determination with respect to material injury. See sec. 771(7)(e)(ii) of the Tariff Act. I did not find the absence of these data decisive.

Despite some of these negative indications, there is no information that leads me to believe that any of the negative economic indices in this case are related to the 1.01 percent *ad valorem* Indian subsidy which Treasury found.

Views of Commissioners Alberger and Calhoun

In order for the Commission to reach an affirmative determination in this investigation, pursuant to Section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)), it is necessary to find that an industry in the United States is materially injured or threatened with material injury, or that the establishment of an industry in the United States is materially retarded by reason of imports of unlabeled leather footwear uppers²⁰ from India with

respect to which the Department of the Treasury has found a subsidy is being provided.²¹

Discussion

In this investigation, we have concluded that the appropriate domestic industry against which the impact of subsidized Indian imports should be measured is the nonrubber footwear industry as a whole. The record developed in this investigation establishes a clear basis for such a conclusion.

Section 771(4) of the Tariff Act of 1930 (19 U.S.C. 1677(4)) provides, in part, as follows:

"(A) In General.—The term 'industry' means the domestic producers as a whole of a like product, or those producers whose collective output of the like product constitutes a major proportion of the total domestic production of that product."

"(D) Product Lines.—The effect of subsidized or dumped imports shall be assessed in relation to the United States production of a like product if available data permit the separate identification of production in terms of such criteria as the production process or the producer's profits. If the domestic production of the like product has no separate identity in terms of such criteria, then the effect of the subsidized or dumped imports shall be assessed by the examination of the production of the narrowest group or range of products, which includes a like product, for which the necessary information can be provided."

Section 771(10) (19 U.S.C. 1677(10)) provides that:

"The term 'like product' means a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title."

While the record reveals that there is production in this country of unlabeled leather uppers used in the manufacture of nonrubber footwear, there can be little question that, in this case, the like product contemplated under Section 771(4)(D) is domestically produced unlabeled leather uppers. But the record also reveals that virtually all domestically produced unlabeled leather uppers are manufactured by domestic producers of nonrubber footwear for captive consumption in their manufacture of finished nonrubber footwear. Moreover, there is no known commerce involving domestically

791.27 of the Tariff Schedules of the United States. (19 U.S.C. 1202)

²¹ The Department of the Treasury found aggregate benefits on leather uppers in the amount of 1.01 percent *ad valorem*. These benefits were in the form of cash rebates, preferential export financing and income tax exemptions. See Commission Report at pp. A-44-46 (hereinafter Report).

¹² Id., at p. A-16.

¹³ Report, at p. A-13.

¹⁴ Id., at p. A-14.

¹⁵ Id., at pp. A-20-21.

¹⁶ Id., at p. 13.

¹⁷ Id., at p. A-14.

¹⁸ Id., at p. A-19.

¹⁹ Id., at p. A-22.

²⁰ Specifically, uppers of leather cut or wholly or partly manufactured into forms or shapes suitable for conversion into footwear, provided for in item

produced uppers, nor are there separate profit and loss, employment, or other key data maintained on the shoe upper aspect of domestic footwear production.

Consequently, since we are unable to assess the effect of subsidized Indian imports in relation to the domestically produced like product, we must look to the "narrowest group or range of products, which includes a like product, for which the necessary information can be provided."²² In this case, the narrowest range of products is nonrubber footwear and we have concluded that domestic nonrubber footwear producers are not materially injured nor are they threatened with material injury by reason of subsidized imports of leather uppers from India. Because there is an established domestic nonrubber footwear industry, the question of material retardation of the establishment of an industry is not at issue.

The record of this investigation establishes a sound basis for this conclusion. Various footwear products have been considered by this Commission in recent years.²³ Some of these investigations have resulted in findings of injury to the domestic industry. This particular investigation is somewhat unique, however, with all importers being domestic producers of nonrubber footwear, including component parts. While the importation of component parts can lead to savings in labor and production costs, it does not necessarily mean layoffs by a particular company. Here, we have found no evidence of employment lost due to imports of leather uppers from India. The domestic production of the end product, nonrubber footwear, may arguably be increased by the importation of uppers. The end product is produced at a cost savings and becomes more competitive with imported footwear.

Although imports of unlabeled leather uppers from India have increased considerably in recent years, the effect on the domestic industry has been inconsequential in light of the comparison between the volume of imports and the level of domestic production. The four-tenths of one percent share of the United States market controlled by these Indian imports is very small. Furthermore, the impact of the 1.01 percent *ad valorem* Indian subsidy on production costs of nonrubber footwear is also small. And finally, although the nonrubber footwear industry experienced a decline in

capacity utilization and employment, coupled with an increase in inventories over the period of the Commission investigation, there is no information on the record which adequately relates these negative trends to the increase in Indian imports of unlabeled uppers.

In view of these considerations, particularly in combining the low level of market penetration and the low level of the subsidy, the fact of material injury by reason of these subsidized imports cannot be established.

Findings of Fact

The conclusion that domestic producers of nonrubber footwear are not materially injured or threatened with material injury by reason of the 1.01 percent Indian subsidy on leather uppers is based on consideration of the economic factors required by Section 771(7) of the Tariff Act of 1930 (19 U.S.C. 1677(7)). Our findings of fact are:

A. *Volume of imports.*—1. Total U.S. imports of unlabeled leather footwear uppers increased from about 1 million pairs in 1977 to 9.4 million pairs in 1978 and to 9.5 million pairs in 1979. (Report at A-15)

2. In 1979, imports of leather uppers from India increased more than 9 times the amount imported in 1977. During 1979, India was the fifth largest supplier of leather uppers and accounted for 7 percent of total imports. (Report at A-16, 17 (Table 4).) Imports of such shoe uppers increased from 340,000 pairs in 1977 to 630,000 pairs in 1978 to 765,000 pairs in the first 10 months of 1979, but never accounted for as much as one-half of one percent of U.S. upper consumption during that period. (Report at A-11, A-18, A-19)

B. *Effect of imports on United States prices.*—3. No firm could be found in the United States which manufactures and sells unlabeled leather uppers for third party use. Therefore, no price comparisons can be made on unlabeled leather footwear uppers. Leather uppers are supplied primarily by domestic shoe manufacturers for their own use with the remainder of the need for this item being supplied exclusively by imports. (Report at A-22, 23)

4. A confidential 1979 cost-of-production comparison on a pair of men's moccasin-style shoes made from Indian and United States unlabeled leather shoe uppers revealed that shoes made with Indian uppers cost less to produce than shoes made with domestic uppers. (But, the 1.01 percent subsidy does not begin to account for this price difference.) Furthermore, the producer's estimated retail price of the completed men's moccasin made with the Indian

upper and the domestic upper was the same. (Report at A-23)

C. *Impact on affected industry.*—5. United States production of nonrubber footwear has declined in recent years. Domestic nonrubber footwear production was 413.7 million pairs in 1977, 418.9 million pairs in 1978, and 381.4 million pairs in 1979. (Report at A-13)

6. The ratio of imports of leather uppers from India to apparent domestic consumption increased from .1 percent in 1977 to .4 percent in 1979. (Report at A-18)

7. The ratio of net operating profits to net sales increased for producers of nonrubber footwear from 4.4 percent in 1977 to 5.0 percent in 1978, the last year for which data were available. (Report at A-20)

8. Utilization of plant capacity declined to 73.3 percent in 1979 from a level of 75.8 percent in 1978. (Report at A-13)

9. The production of uppers is the most labor-intensive stage of shoe construction, accounting for over 40 percent of direct labor costs. Total footwear employment levels declined from 160,000 in 1977 to 149,000 in 1979. There was no evidence submitted which indicated that there was a loss in employment in any of the firms which import leather uppers that could be directly linked to imports from India. (Report at A-19-20)

10. Inventories of nonrubber footwear rose from 36.1 million pairs in 1977 to 40.0 million pairs in 1978, an increase of 11 percent. (Report at A-14)

11. Capital expenditures for new plant and equipment in the nonrubber footwear industry increased from \$51 million in 1977 to \$63 million in 1978, the last year for which data were available. (Report at A-22)

12. No information was supplied with respect to productivity, return on investment, cash flow, wages, growth, or ability to raise capital of the nonrubber footwear industry.

Conclusions of Law

A. In this investigation the Commission has concluded that the appropriate domestic industry against which the impact of subsidized Indian imports should be measured is the nonrubber footwear industry.

B. The nonrubber footwear industry in the United States is not materially injured, or threatened with material injury, and the establishment of an industry in the United States is not materially retarded by reason of subsidized imports of unlabeled leather footwear uppers from India.

²² Section 771(4)(A) and (D), Tariff Act of 1930, (19 U.S.C. 1677(4)(A) and (D)).

²³ Report at Appendix E, pp. A-48-50.

By order of the Commission.

Issued: March 17, 1980.

Kenneth R. Mason,
Secretary.

[FR Doc. 80-9177 Filed 3-25-80; 8:45 am]

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[731-TA-1 (Final) and 731-TA-2 (Final)]

Spun Acrylic Yarn From Japan and Italy

Determination

On the basis of the record¹ developed in the investigations, the Commission unanimously determines pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) that an industry in the United States is being materially injured by reason of imports of spun acrylic yarn provided for in item 310.50 of the Tariff Schedules of the United States from Japan and from Italy,² which the Department of the Treasury has determined are being, or are likely to be, sold in the United States at less than fair value.

Background

On October 22 and December 17, 1979, the United States International Trade Commission received advice from the Department of the Treasury that spun acrylic yarn provided for in item 310.50 of the Tariff Schedules of the United States from Japan and Italy, respectively, is being, or is likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921 (19 U.S.C. 160(a)). Accordingly, on November 19 and December 27, 1979, the Commission instituted investigations Nos. AA1921-212 and AA1921-214, respectively, under section 201(a) of said act to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise from Japan and/or Italy into the United States. However, the Antidumping Act was repealed on January 1, 1980, by the Trade Agreements Act of 1979 (Public Law 96-39, 93 Stat. 144, July 26, 1979). Under section 102 of that act, the Commission was required to terminate antidumping investigations in progress on January 1, 1980, and reinstitute them under subtitle B of title VII of the Tariff Act of 1930, as

added by the Trade Agreements Act of 1979. Accordingly, on January 1, 1980, investigations Nos. AA1921-212 and AA1921-214 were terminated and new investigations (Nos. 731-TA-1 (Final), Spun Acrylic Yarn From Japan, and 731-TA-2 (Final), Spun Acrylic Yarn From Italy) were instituted under the provisions of section 735 of the Tariff Act of 1930.

Copies of the notices of the institution of investigations Nos. AA1921-212 and AA1921-214 and of the hearing to be held in connection therewith were posted at the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and at the Commission's office in New York City, and published in the *Federal Register* of November 28, 1979 (44 F.R. 68040), and January 3, 1980 (45 F.R. 858). Notice of the termination of investigations Nos. AA1921-212 and AA1921-214 and of the institution of investigations Nos. 731-TA-1 (Final) and 731-TA-2 (Final) was published in the *Federal Register* of January 17, 1980 (45 F.R. 3403). The public hearing was held in Washington, D.C., on January 22, 1980, and all persons who requests the opportunity were permitted to appear in person or by counsel.

Statement of Reasons for the Affirmative Determinations of Chairman Catherine Bedell and Commissioner George M. Moore

On the basis of the record developed in these investigations, we determine, pursuant to section 735 of the Tariff Act of 1930, that an industry in the United States is being materially injured by reason of imports of spun acrylic yarn from Japan and Italy sold at less than fair value (LTFV).

The domestic industry—In these investigations, we consider the relevant domestic industry to consist of the facilities in the United States used in the production of spun acrylic plied yarn for machine knitting. This yarn, made from acrylic fiber, is used primarily in the manufacture of sweaters, headwear, gloves, scarves, and socks (see Commission Report (C.R.), p. A-3). There are currently nine producers, hereinafter referred to as spinners, with manufacturing facilities concentrated in North and South Carolina (C.R., p. A-8).

LTFV sales—The administering authority's investigation covered exports of spun acrylic plied yarn from Japan between January 1 and December 31, 1978. The investigation was limited to sales of three Japanese manufacturers, which collectively accounted for 83 percent of Japanese exports of spun acrylic yarn to the United States during that year. All the sales examined were at less than fair value,

with margins ranging from 0.50 to 58.21 percent and a weighted average margin of 23.19 percent (C.R., pp. A-5-6).

The administering authority's investigation of exports of spun acrylic plied yarn from Italy covered the period January 1 through June 30, 1979. It limited its investigation to four firms, three of which refused to supply information. On the basis of limited available data, it determined an LTFV margin of 48.05 percent on exports sales from Italy to the United States (C.R., p. A-7).

Material injury by reason of LTFV imports—During the period 1977-79, the U.S. market for spun acrylic plied yarn for machine knitting went through two stages. First, in 1977 and 1978, the period of highest import penetration, apparent consumption remained relatively constant, while the economic health of the industry started to manifest clear signs of deterioration. The Commission found that the impact of imports from Japan and Italy on U.S. spinners was further exacerbated in the second stage (1979), when consumer demand fell. One factor remained constant throughout the period—the suppressing influence of Japanese and Italian yarn on U.S. spinners' prices, and, thus, on their overall operations.

The industry under examination is highly price sensitive. Evidence has been developed that shows that domestic spinners' prices were suppressed by LTFV imports from Japan and Italy during the period under review, causing steady deterioration in the overall profitability of the U.S. industry. Other economic indicators also registered serious declines, such as production and shipments, utilization of capacity, and employment. Additionally, five firms were forced to cease operations; four of them cited low-priced imports from Japan and Italy as the principal reason for their termination of production of the subject yarn (C.R., pp. A-8-9).

At the Commission's hearing, domestic spinners reported losing sales for less than 2 cents a pound, or less than 1 percent of the cost of a pound of yarn. If U.S. spinners' prices for branded yarn were reduced by the 5- to 10-cent rebate sometimes accorded to knitter customers, such prices would have been competitive with those of U.S. spinners' unbranded yarn and comparable yarn imported from Japan and Italy (C.R., pp. A-22-26).¹ Without the substantial LTFV margins, imports from both Japan

¹ The record is defined in sec. 2072(j) of the Commission's *Rules of Practice and Procedure* (19 CFR 207.2(j)).

² Chairman Bedell and Commissioner Moore voted affirmatively as to the cumulative imports from Japan and Italy. Vice Chairman Alberger and Commissioners Stern and Calhoun voted affirmatively as to the separate imports from Japan and from Italy.

¹ At the Commission's hearing, the average selling price for U.S. producers' yarn was reported to be considerably above the weighted average lowest net selling prices presented in the staff report.

and Italy would have sold at much higher prices and would not have been competitive with U.S.-produced yarn. Under such circumstances, significant sales of the imported product from Japan and Italy would not have been made. Throughout 1977 and 1978, U.S. spinners' prices did not keep pace with inflationary increases in costs (C.R., p. A-17).

During 1977 and 1978, aggregate imports from Japan and Italy accounted for 16 percent of apparent consumption (C.R., p. A-22). The sustained presence of this significant volume of low-priced imports suppressed not only U.S. spinners' prices, but every other aspect of their operations as well. Profit for reporting firms declined from \$4.4 million in 1977 to \$2.8 million in 1978, the ratio of net operating profit to net sales declined from 6.3 percent to 4.0 percent, and other areas of financial performance such as cash flow from operations and investment in productive facilities followed the same trend (C.R., pp. A-16-20).² Production and shipments also declined, with shipments decreasing from 65 million pounds in 1977 to 53 million pounds in 1978, or by 19 percent (C.R., p. A-10). Utilization of capacity fell from 85.4 percent to 71.1 percent, substantially below an optimum capacity utilization level of 90 percent (C.R., p. A-11). Employment declined 4 percent, man-hours dropped 10 percent, and output per employee also decreased (C.R., pp. A-14-15). Inventories reached their highest level in 1978 (C.R., p. A-11).

Although imports from Japan and Italy declined in 1979 and accounted for low levels of import penetration, their impact from 1977 and 1978 was still sharply felt by U.S. spinners, which were occupied with trying to liquidate inventories in a period of relatively low consumer demand (C.R., p. A-22). By 1979, Japanese and Italian yarn became relatively scarce in the U.S. marketplace, and U.S. spinners' prices began to rise, despite low consumer demand. Such price increases, however, were too late to spare the domestic industry further deterioration (C.R., p. A-24).

Net operating profit declined 80 percent from January-September 1978 to the corresponding period of 1979. The ratio of net operating profit to net sales fell from 5.8 percent to 1.2 percent, while cash flow from operations and investment in productive facilities dropped severely (C.R., pp. A-16-20). Shipments declined 23 percent. Capacity declined 27 percent, largely by reason of

plant shutdowns as capacity utilization decreased from 76.4 percent to 75.3 percent (C.R., pp. A-10-11). Employment dropped 17 percent, and man-hours and output per worker followed the same trend. Workers from one domestic firm that left the industry in early 1979 were granted adjustment assistance by the Department of Labor (C.R., pp. A-14-15).

There is evidence of sales lost to imports from Japan and Italy during the period under review. Twelve firms stated that the principal reason for purchase of the Japanese product in lieu of the domestic product was lower price. Two firms verified that the imported Italian yarn had been chosen over the domestic product. One firm cited lower price as its principal reason, while the other coupled lower price with availability. Further, major knitting purchasers of both U.S. and imported yarn offered lower prices as their principal reason for purchasing the Japanese and Italian yarn over the domestic product (C.R., pp. A-26-28).

On the basis of the foregoing considerations, we have determined that an industry in the United States is being materially injured by reason of imports of LTFV spun acrylic yarn from Japan and Italy.

Views of Commissioners Paula Stern and Michael J. Calhoun

On the basis of the record developed in these investigations, we have determined that an industry in the United States is materially injured¹ by reason of the imports of spun acrylic yarn from Japan and from Italy sold at less than fair value.²

In these investigations, we consider the relevant domestic industry to consist of the facilities in the United States used in the production of spun acrylic plied yarn for machine knitting. Made from acrylic fiber, this yarn is used primarily

in the manufacture of sweaters, headwear, gloves, scarves, and socks.³ There are currently nine producers, hereinafter referred to as spinners, with manufacturing facilities concentrated in North and South Carolina.⁴

Discussion—The law gives the Commission discretion in making its determination because no single checklist can work for all cases to determine the exact degree of injury experienced by an industry nor to ascertain the existence of a definitive causal link between imports and material injury. The Trade Agreements Act of 1979 does provide guidance for assessing the impact of LTFV imports for a given industry:

the Commission shall consider, among other factors—

- (1) the volume of imports.
- (2) the effect of imports on prices in the United States, and
- (3) the impact of imports on domestic producers.⁵

The Act goes on to provide that in considering the impact on the affected industry:

the Commission shall evaluate all relevant economic factors which have a bearing on the state of the industry, including but not limited to—

- (1) actual and potential decline in output, sales, market share, profits, productivity, return on investments, and utilization of capacity,
- (2) factors affecting domestic prices, and
- (3) actual and potential negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital, and investment.⁶

In analyzing the information offered during our investigation, this case presented us with some difficulty because the question of the causal relationship between the LTFV imports and material injury to the domestic industry is an especially close one. The record developed in this case establishes a sound basis for the conclusion that the negative impact of LTFV imports of Japanese and of Italian spun acrylic plied yarn has not been inconsequential.

In reaching this conclusion, we are first of all confronted with an industry that, as a general matter, has been experiencing some difficulty, perhaps making the industry particularly vulnerable to the injury from LTFV

¹ Arguments were made for an affirmative finding of threat of material injury. However, having made our finding of present material injury, we did not find it necessary to reach the issue of threat.

² The Administering Authority's investigation of less-than-fair-value sales covered exports of spun acrylic plied yarn from Japan between January 1 and December 31, 1978. The investigation was limited to sales of three Japanese manufacturers which collectively accounted for 83 percent of Japanese exports of spun acrylic yarn to the United States during that year. All of the sales examined were at less than fair value, with margins ranging from 0.50 to 58.21 percent, and a weighted average margin of 23.19 percent.

The Administering Authority's investigation of U.S. imports of spun acrylic plied yarn from Italy covered the period January 1 through June 30, 1979. The Administering Authority limited its investigation to four firms, only one of which supplied information and, on the basis of limited available data, determined a LTFV margin of 48.05 percent on export sales from Italy to the United States.

³ See Commission Report, Inv. Nos. 731-TA-1 and 2, p. A-3.

⁴ *Ibid.*, p. A-8.

⁵ Tariff Act of 1930, as amended by Trade Agreements Act of 1979, Section 771 (19 U.S.C. 1677(7)).

⁶ Tariff Act of 1930, as amended by Trade Agreements Act of 1979, Section 771 (19 U.S.C. 1677(7)).

² Declines in profitability are understated in view of the absence of data for firms that left the industry.

sales.⁷ During the period from 1977 to September 1979, the industry witnessed significant declines in production, shipments, capacity, capacity utilization, employment and profitability. Additionally, cash flow declined and the ratio of net operating profits to average investment in productive facilities declined. In 1978 and early 1979, five of the fourteen spinners ceased production of acrylic yarn altogether, four of which cited low priced imports from Japan and from Italy as the principal reason for their departure.⁸

More specifically, we note that, during the period 1977-78, profits for firms which responded to the Commission questionnaire declined from \$4.4 million in 1977 to \$2.8 million in 1978, and the ratio of net operating profits to net sales declined from 6.3 percent to 4.0 percent.⁹ Production and shipments followed parallel trends with a 19 percent decline in shipments from 65 million pounds in 1977 to 53 million pounds in 1978.¹⁰ Utilization of capacity fell from 85.4 percent to 71.1 percent, substantially below the optimum capacity utilization level of about 90 percent.¹¹ Employment declined 4 percent and man-hours dropped 10 percent, while output per employee also decreased.¹² Inventories reached their highest level of the period in 1978.¹³

In January-September 1979, compared to the corresponding period of 1978, net operating profits declined 80 percent, the ratio of net operating profits to net sales fell from 5.8 percent to 1.2 percent, while cash flow from operations and investments in productive facilities dropped severely.¹⁴ Shipments declined 20 percent.¹⁵ Capacity declined 27 percent, largely because of plant shutdowns; capacity utilization dipped

from 76.4 percent to 75.3 percent.¹⁶ Employment dropped 17 percent, while man-hours and output per worker followed the same trend. Workers from one domestic firm that exited the industry in early 1979 were granted adjustment assistance by the Department of Labor.¹⁷

Against this rather poor state of the domestic industry, information on the record regarding price and lost sales is nonetheless compelling in reaching the conclusion that the LFTV sales, under consideration here, caused material injury to the domestic industry. This adverse impact seems largely to have been achieved through influence on price.

Because spun acrylic plied yarn is basically a fungible product, it is extremely price sensitive. Indeed, price appears to be the chief factor of competition in the industry.¹⁸ The record contains uncontroverted testimony that domestic sales have been lost to imports for as small a difference in price as two cents per pound, or less than one percent of the cost of a pound of yarn.¹⁹ Moreover, the record reveals clear examples of underselling of the subject imports, and the margins of dumping more than adequately account for these differentials.²⁰

The impact of these LFTV imports on the pricing strategies of the domestic industry is a most important consideration. During the period of importation, the cost of domestic production was increasing,²¹ yet prices of spun acrylic plied yarn were relatively stagnant during most of the period from 1976 through 1978.²² To exacerbate this circumstance, in 1977 imports of LFTV yarn from Japan surged. In 1978, while Japanese imports relaxed somewhat, LFTV imports from Italy surged. These surges occurred over a period when not only were costs to the domestic industry increasing but domestic demand, at least in 1978 and 1979, was in decline.²³

The Commission investigation also produced clear information on lost sales. For the period January 1976-September 1979, five domestic spinners supplied information on specific lost sales to customers who had allegedly purchased spun acrylic yarn from Japan or Italy in lieu of U.S. produced yarn. With respect

to imports from Japan, U.S. spinners alleged that sales of spun acrylic yarn totalling 5.1 million pounds were lost at 24 different firms. Twelve of these firms confirmed that the Japanese yarn was chosen over the domestic product. Two other firms did not supply the Commission with any information. The principal reason for purchase given by the twelve firms verified to have chosen spun acrylic yarn from Japan in lieu of the domestic product was lower price.

With respect to imports from Italy, U.S. spinners alleged that sales totalling 1.4 million pounds were lost at five different firms. Two of these confirmed that yarn from Italy had been chosen because of lower price. One also cited better availability²⁴ of the Italian yarn. While information on lost sales is normally difficult to obtain and actual occurrences are difficult for the Commission to verify, such instances, when confirmed, can be symptomatic of broader practice.

It is important to remember that although the Commission is to consider all the factors as to material injury and causation in relation to the specific industry involved, some factors, owing to the peculiarities of one industry, are more important than others. The Senate Finance Committee has anticipated just such a circumstance:

For one industry, an apparently small volume of imports may have a significant impact on the market; for another, the same volume might not be significant.²⁵

In this case, for example, the volume of imports from Italy was small, but the impact was injurious. The fluctuations of demand were such in this case that the small volume of imports from Italy led to price suppression and lost sales as a result of the large dumping margins.

An important link between the imports from Japan and from Italy and the injury to the domestic industry is seen in their apparent relationship in time. There is a strong indication that the injury from these imports to U.S. spinners flowed from the surge of imports from Japan and from Italy, but was subsequent in time. We see less than fair value imports from each of these countries taking a market share in 1977 and 1978 as demand in the market began to drop and producers were left trying to liquidate high inventory levels of the U.S., Japanese, and Italian yarn.²⁶

As a final matter in making this determination that material injury to the

⁷ We take note of the views of the Committee on Ways and Means in this matter:

The law does not, however, contemplate that injury from such [LFTV] imports will be weighed against other factors . . . which may be contributing to overall injury to an industry. Any such requirement has the undesirable result of making relief more difficult to obtain for these industries facing difficulties from a variety of sources, precisely those industries that are most vulnerable to subsidized or dumped imports [emphasis added]. H.R. Rep. No. 96-317, 96th Cong., Sess. 1 [1979], p. 47.

See also the report of the Committee on Finance, S. Rep. 96-249, 96th Cong., Sess. 1 [1979], p. 88.

⁸ See Commission Report, Inv. Nos. 731-TA-1 and 2, pp. A-8-9.

⁹ See Commission Report, Inv. Nos. 731-TA-1 and 2, pp. A-16-17.

¹⁰ *Ibid.*, pp. A-9-10.

¹¹ See Commission Report, Inv. Nos. 731-TA-1 and 2, p. 11.

¹² *Ibid.*, pp. A-14-15.

¹³ *Ibid.*, p. A-11.

¹⁴ *Ibid.*, pp. A-16-20.

¹⁵ *Ibid.*, p. A-10.

¹⁶ *Ibid.*, pp. A-10-11.

¹⁷ *Ibid.*, pp. A-14-15.

¹⁸ *Ibid.*, p. A-22 et seq.

¹⁹ See Transcript of Hearing, p. 90.

²⁰ See Commission Report, Inv. Nos. 731-TA-1 and 2, p. A-24, Table 11.

²¹ *Ibid.*, p. A-17, Table 6.

²² *Ibid.*, p. A-24, Table 11.

²³ *Ibid.*, p. A-13 et seq. See also discussion *infra* at pp. 14 and 15, regarding timing.

²⁴ See Commission Report, Inv. Nos. 731-TA-1 and 2, p. A-26 et seq.

²⁵ S. Rep. No. 96-249, 96th Cong., Sess. 1 [1979], p. 88.

²⁶ See Commission Report, Inv. Nos. 731-TA-1 and 2, p. A-22.

industry is by reason of LTFV imports, the Commission must consider other factors which may demonstrate that the imports in question were not a cause. The House Ways and Means Committee has observed:

Of course, in examining the overall injury being experienced by domestic industry, the ITC will take into account evidence presented to it which demonstrates that the harm attributed by the petitioner to the subsidized or dumped imports is attributable to such other factors.²⁷

The quantity of sweater imports is one such factor we considered because of the role it plays in determining the amount of spun acrylic plied yarn sold to domestic sweater producers. Imports of manmade fiber sweaters increased as a percentage of total market share in the 1960's and early 1970's, but remained relatively constant during the period of the investigation.²⁸ Thus, any injury caused to domestic producers of spun acrylic plied yarn by increasing imports of manmade fiber sweaters preceded the period of the Commission's review.

Another factor the Commission considered in this case was imports from countries other than Japan and Italy. In 1977, when the ratio of all imports of spun acrylic plied yarn to domestic consumption was 19 percent, the LTFV imports from Japan accounted for 78 percent of all imports, while those from Italy came on stream in the U.S. marketplace and quickly accounted for 5 percent of all imports. In 1978 when total imports increased to 31 percent of apparent consumption, the LTFV imports from Japan accounted for 38 percent of the total, and those from Italy rose to 13 percent of all imports. In the period January–September 1979, overall imports and the LTFV imports from Japan and from Italy were declining. However, during this period, spinners were liquidating domestically produced and imported yarn. The large percentage of total imports accounted for by LTFV imports from Japan and from Italy cannot be discounted as a source of material injury.

Conclusion—Facts in this investigation indicate a definite link between LTFV imports and the material injury to the domestic industry. These facts form the basis for our determinations that the domestic industry is materially injured by reason of the LTFV imports from Japan and from Italy.

We make this determination mindful of comments made by the House Ways and Means Committee:

In short, the Committee does not view overall injury caused by unfair competition, such as dumping, to require as strong a causation link to unfairly competitive imports as would be required for determining the existence of injury under fair trade conditions.²⁹

Views of Vice Chairman Bill Alberger

In order for the Commission to reach an affirmative determination in these investigations, pursuant to Section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)), it is necessary to find that an industry in the United States is materially injured, or is threatened with material injury or that the establishment of an industry in the U.S. is materially retarded by reason of imports of spun acrylic plied yarn from Japan and/or from Italy, which have been found to be sold at less than fair value (LTFV)¹ by the Administering Authority, which was the Department of the Treasury (Treasury).

Discussion—The appropriate domestic industry against which the impact of Japanese and Italian LTFV imports should be measured is the nine producers (spinners) of spun acrylic plied yarn for machine knitting. Made from acrylic fiber, this yarn is used primarily in the manufacture of sweaters, headwear, gloves, scarves, and socks.

During the past four years this industry has experienced some serious problems. Five firms have ceased production, four of them citing low-priced imports from Japan and/or Italy as the principal reason. Prices have not increased sufficiently to keep pace with rising costs of production. Profits have declined significantly. Employment has dropped, production has declined, as has investment and cash flow.

It is clear that demand has dropped in the last two years, but it is also apparent that the problems the industry is encountering are related to imports from both Japan and Italy.² Imports from

Japan were highest in 1977 and in the first three quarters of 1978. Imports from Italy were highest in 1978, throughout the year. Prices of imports from both Japan and Italy were at or lower than the lowest domestic yarn prices. It appears to be more than coincidence that domestic prices remained relatively constant until 1979 when imports from Japan virtually ceased and imports from Italy did likewise six months later.³ In 1979, domestic prices increased, but with demand dropping sharply, were still not catching up to rising costs. With evidence that sales are lost for less than one percent of the cost of a pound of yarn, it is clear that this is a highly price-sensitive industry.

The declines in production, shipments, employment, capacity utilization and profits seem to follow closely the increases and continued high level of imports from Japan in 1977 and 1978, and the increasing level of imports from Italy in 1978. Specific examples of lost sales appear symptomatic of the difficulty encountered by domestic producers in meeting lower priced imports sold at LTFV. Additionally, major knitting purchasers of both U.S. and imported spun acrylic plied yarn indicated in response to a Commission questionnaire that lower price was the principal reason for the purchase of Japanese and/or Italian yarn over the domestic product. Without the substantial LTFV margins, imports from both Japan and Italy would not have been price competitive in the U.S. market. The level of inventories held by domestic producers peaked at the end of 1978 at the end of the quarter when imports from Italy peaked, and thus, 1979 production was even lower while inventories were sold off first. The sustained high level of imports from Japan in 1977 and 1978 and the increasing level of imports from Italy in 1978 played a key role in the material injury experienced by this industry.

The law does not, however, contemplate that injury from such (LTFV) imports will be weighed against other factors . . . which may be contributing to overall injury to an industry. Any such requirement has the undesirable result of making relief more difficult to obtain for these industries facing difficulties from a variety of sources, precisely those industries that are most vulnerable to subsidized or dumped imports. (emphasis added) Committee Report on H.R. 4537, p. 47. See also Senate Finance Committee Report on the same bill, p. 88.

³ The original petitions (complaints) in these investigations were filed with Treasury on November 22, 1978 (Japan) and May 21, 1979 (Italy). Often imports will decrease after the filing of the complaint. A critical period for the assessment of impact of LTFV sales is the period of analysis of those sales by the Administering Authority. In the case of Japan, 1978 was the critical period. For Italy, the first six months of 1979 was the period of analysis of sales.

²⁷ H.R. Rep. No. 96-317, 96th Cong. Sess. 1, (1979), p. 47.

²⁸ See Commission Report, Inv. Nos. 731-TA-1 and 2, p. A-7 and A-29.

²⁹ H.R. Rept. No. 96-317, 96th Cong., Sess. 1, (1979), p. 47.

¹ The Department of Treasury investigation of less than fair value sales covered exports of spun acrylic plied yarn from Japan between January 1 and December 31, 1978. All of the sales examined by Treasury were at less than fair value, with margins ranging from 0.50% to 58.21%, and a weighted average margin of 23.19%. Treasury's investigation of imports of the yarn from Italy covered the period January 1 through June 30, 1979. On the basis of limited available data, Treasury found a margin of 48.05% on export sales from Italy to the United States.

² The House Committee on Ways and Means Report on the Trade Agreements Act of 1979 states at p. 47:

Findings of Fact—Section 771(7)(B) of the Tariff Act of 1930 requires the Commission to consider (i) the volume of the subject imports, (ii) their effect on the domestic price of the like product, and (iii) their impact on domestic producers of the like product. In Section 771(7)(C), the Act further specifies a series of economic factors the Commission must include in these considerations. The following are my findings of fact:

A. Volume of imports—(1) Imports from Japan rose from 3.5 million pounds in 1976 to a high of 12.1 million pounds in 1977. In 1978, Japanese imports amounted to 8.8 million pounds before dropping to 225,000 pounds in the first three-quarters of 1979. The latter figure compares with 8.4 million pounds in the first nine months of 1978. (Report at A-12; Table 3).

(2) Imports from Italy increased from 746,000 pounds in 1977 to 2.9 million pounds in 1978 and declined to 896,000 pounds for January–September 1979. During January–September 1978, 1.95 million pounds were imported, with nearly 1 million pounds being imported in the final quarter. (Report at A-12; Table 3).

(3) Imports from Japan accounted for 5 percent of U.S. consumption in 1976, 15 percent in 1977, and 12 percent in 1978. They declined to 1 percent of consumption in January–September 1979. (Report at A-21, 22; Table 10).

(4) Imports from Italy climbed from 1 percent of consumption in 1977 to 4 percent in 1978 before dropping to 2 percent of U.S. consumption in the first three-quarters of 1979. (Report at A-22; Table 10).

B. Effect of imports on U.S. prices—(5) Generally, from 1976 through 1978, prices of both Japanese and Italian spun acrylic yarn were as low or lower than those of the domestic product. When import prices were lower, the price difference was less than the average dumping margins found by Treasury. (Report at 24, Table 11)

(6) Price increases by domestic producers of spun acrylic yarn were limited from 1976 through 1978, the years of the highest import penetration by Japanese and Italian imports. In 1979, when Japan and Italy sharply reduced their imports, prices by domestic producers moved quickly upward. (Report at A-24; Table 11)

(7) Spun acrylic yarn is highly price sensitive with sales being lost for as little as 2 cents a pound at less than 1 percent of the cost of a pound of yarn (Transcript p. 90).

(8) Price indexes show limited price increases for acrylic yarn from 1976 through 1979. These increases are

substantially less than those experienced by the textile industry as a whole (Supplemental document from Acting Director of Investigations, OP2-D-040, February 28, 1980).

(9) Of those firms alleged by petitioners to be lost sales, twelve firms reported they had purchased Japanese yarn over the domestic product and 2 indicated they had chosen the Italian product specifically for reasons of price. In the majority of cases, questionnaire responses received from major purchasers of both U.S. and imported yarn listed price as the chief reason for purchases of Japanese and Italian yarn.

C. Impact on the affected industry—(10) Domestic production rose from 61.7 million pounds in 1976 to 64.3 million pounds in 1977, before dropping to 53.2 million pounds in 1978 and 31.9 million pounds in the first three-quarters of 1979. January–September 1979 production was 26 percent lower than in the comparable period in 1978. (Report at A-9)

(11) Shipments by U.S. producers paralleled the pattern exhibited by production from 1976 through January–September 1979. Shipments rose from 61.4 million pounds in 1976 to 64.9 million pounds in 1977 then dropped to 52.9 and 34.7 million pounds for 1978 and January–September 1979, respectively. The latter figure is 20 percent less than in the comparable period of 1978. (Report at A-10)

(12) Consumption of spun acrylic yarn grew from 68 million pounds in 1976 to 81 million pounds in 1977. Consumption then dropped 5 percent to 76 million pounds in 1978 and declined another 36 percent to 41 million pounds in January–September 1979. (Report at A-13, 14)

(13) Imports from Japan represented 5 percent of consumption in 1976, before climbing to 15 percent in 1977. This figure declined to 12 percent in 1978 and 1 percent for January–September 1979. Italian imports accounted for 1 percent of U.S. consumption in 1977, 4 percent in 1978, and 2 percent for the first three-quarters of 1979. (Report at A-21, 22; Table 10)

(14) Net operating profits for four firms accounting for 59 percent of U.S. production increased from \$945,000 in 1976 to \$4.4 million in 1977. Nineteen seventy-eight profits dropped to \$2.8 million and further declined to \$613,000 for the first three-quarters of 1979. (Report at A-16, 17; Table 6)

(15) Productivity of workers producing spun acrylic yarn rose from 14.6 pounds per person-year-worked in 1976 to 15.2 pounds in 1977, then dropped to 13.0 pounds in 1978 and 9.4 pounds for January–September 1979. (Report at A-9, 15; Table 4)

(16) Domestic producers return on investment as measured by net operating profit before income taxes as a percentage of net assets (book value), rose from 9.0 in 1976 to 40.4 in 1977, before dropping to 24.0 in 1978. January–September 1979 figures were 5.9 compared to 25.7 for the same period in 1978. (Report at A-20; Table 9).

(17) Capacity utilization for U.S. producers moved upward from 79.5 percent in 1976 to 85.4 percent in 1977 and dropped to 71.1 percent in 1978. The 75.3 percent rate of capacity utilization for the first three-quarters of 1979 is slightly lower than the figure for the comparable period of 1978. (Report at A-11)

(18) Cash flow (net operating profit plus depreciation) from four reporting firms increased from \$2.9 million in 1976 to \$6.4 million in 1977. Cash flow in 1978 declined to \$4.8 million and dropped further to \$2.3 million for January–September 1979. (Report at A-19; Table 8)

(19) Inventories held by U.S. producers dropped from 5.6 million pounds in 1976 to 5.1 million pounds in 1977, before peaking at 7.8 million pounds in 1978. January–September 1979 inventories were 3.6 million, compared to 7.3 million pounds for the first three-quarters of 1978. (Report at A-11; Table 2)

(20) The number of production and related workers producing spun acrylic yarn increased very slightly from 4,226 in 1976 to 4,243 in 1977, before dropping to 4,085 in 1978. Employment for January–September 1979 fell to 3,385, a 17 percent drop from the same period of 1978. The number of hours worked by production and related workers followed the same trend. (Report at A-14, 15; Table 4 and 5)

(21) Research and development expenditures increased from \$183,000 in 1976 to \$260,000 in 1978. Almost all of this increase is due to the investment of one firm. (Report at A-21)

(22) Return on investment, as measured by the ratio of net operating profit to the average cost of investment in productive facilities, increased from 6.3 percent in 1976 to 28.8 percent in 1977, before declining to 17.1 percent in 1978. The January–September 1979 ratio ran at 3.8 percent. (Report at A-20; Table 9)

(23) Since 1976, five U.S. firms have ceased production of spun acrylic yarn. All but one firm cited increases in low-priced imports from Japan as a principal reason for their action; with those leaving the market after 1977 adding imports from Italy as another reason for the cessation of production. (Report at A-8, 9)

Conclusions of law—A. I determine that the domestic industry is materially injured by reason of imports of spun acrylic plied yarn from Japan.

B. I determine that the domestic industry is materially injured by reason of imports of spun acrylic plied yarn from Italy.

By order of the Commission.

Issued: March 17, 1980.

Kenneth R. Mason,
Secretary.

[FR Doc. 80-9176 Filed 3-25-80; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-69]

Certain Airtight Cast-Iron Stoves; Denial of Oriental Kingsworld Industrial Co., Ltd.'s Appeal

Having considered the Administrative Law Judge's Orders No. 14 and 16 in the above-captioned case, the application for review, and the oppositions of the Complainants and the Commission Investigative Attorney under Commission rule 210.60(b) (19 CFR 210.60(b)), the Commission Denies Oriental Kingsworld Industrial Co., Ltd.'s appeal from the ruling of the Administrative Law Judge, and DENIES its February 19, 1980 request for oral argument on these issues. The notice of investigation in this case was published in the *Federal Register* on July 12, 1979 (44 FR 40732). In its notice of institution the Commission stated that the scope of the investigation involved importations that violated section 337(a):

By reason that such stoves are—

(a) Violating Jotul's common law trademarks because such stoves are visually identical copies of Jotul's stoves;

(b) Being passed off as Jotul's product;

(c) Violating Jotul's registered U.S. trademarks; and

(d) Being falsely advertised, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States, or to restrain trade and commerce in the United States.

The Commission does not consider its institution of this investigation to have conclusively decided either the question of whether a United States industry exists in this instance or whether the alleged unfair acts are evidence of "restraints of trade" under section 37. Rather, the Commission considers its institution of this investigation to express a willingness to consider evidence on these issues, and therefore instructs the presiding officer to continue gathering all evidence obtainable regarding both the industry and restraint of trade issues.

Issued: March 21, 1980.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 80-9170 Filed 3-25-80; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-36]

Certain Plastic Fastener Assemblies; Termination and Order

Background

On August 31, 1979, complainant Dennison Manufacturing Company filed motion docket No. 36-26 pursuant to Commission rule 210.51(a) (19 CFR 210.51(a)) to terminate investigation No. 337-TA-36, Certain Plastic Fastener Assemblies. A supplement to the motion to terminate consisting of the settlement agreement between complainant and respondent, together with supporting affidavits, was filed by the complainant on October 26, 1979. The motion is based upon the August 13, 1979, final judgment of the U.S. District Court for the Southern District of New York in *Dennison Manufacturing Co. v. Ben Clements & Sons Inc.*, 74 Civ. 979 (CES) and *Ben Clements & Sons, Inc., v. Dennison Manufacturing Co.*, 76 Civ. 3704 (CES). The final judgment of the district court found certain claims of complainant's U.S. Letters Patent No. 3,733,657, which is the subject of the Commission's investigation, valid and infringed by the only respondent, Ben Clements & Sons, Inc. Accordingly, the court issued a permanent injunction, preventing respondent from infringing the patent. The respondent and the Commission investigative attorney supported the motion to terminate.

Commission Order

Having considered complainant's motion, respondent's statement of no objection thereto, the Commission investigative attorney's statement supporting the motion, and the supplement to the motion to terminate the investigation, the Commission grants the motion and hereby orders the termination of investigation No. 337-TA-36, Certain Plastic Fastener Assemblies.

Discussion

The Commission terminates this investigation because the District Court's action in issuing a permanent injunction against the only respondent has rendered this investigation moot. Complainant has received in essence the remedy it sought in the Commission investigation from the District Court. Moreover, it does not appear that any

public policy considerations are raised in the agreement between the parties submitted as a supplement. In voting to terminate this investigation the Commission made no determination as to violation.¹

Notice of institution of the investigation was published in the *Federal Register* on August 11, 1977 (42 FR 40786). Because of pending litigation, the investigation had been in suspension most of the time since institution. The investigation was suspended from November 1, 1977, to April 28, 1978. Currently, the investigation has been suspended since publication in the *Federal Register* of the Commission's order of September 22, 1978, which granted complainant and respondent's joint motion for the suspension. No evidentiary hearing has been held.

Issued: March 20, 1980.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 80-9174 Filed 3-25-80; 8:45 am]

BILLING CODE 7020-02-M

[731-TA-3 (Final)]

Sugars and Sirups from Canada

Determination

On the basis of the record¹ developed in the investigation, the Commission unanimously determines (Chairman Bedell not participating) pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673(b)) that an industry in the United States is being materially injured by reason of imports of sugars and sirups from Canada, which the Department of the Treasury has determined are being, or are likely to be, sold in the United States at less than fair value.

Background

On November 5, 1979, the United States International Trade Commission received advice from the Department of

¹ In voting to terminate this investigation, Commission Moore Determines that there is no present violation of section 337 of the Tariff Act of 1930, as amended. Commissioner Moore points out that, after the final judgment of the District Court enjoining the only respondent from infringing the patent in issue, the parties joined in filing a motion for termination of this investigation. Therefore, there is no evidence of a present violation of section 337. (See Commissioner Moore's footnotes in *Alternating Pressure Pads*, investigation No. 337-TA-48, *Certain Synthetic Gemstones*, investigation No. 337-TA-50, *Certain Swivel Hooks and Mounting Brackets*, investigation No. 337-TA-53; and *Certain Plastic Molding Apparatus and Components Thereof*, investigation No. 337-TA-66.

² The "record" is defined in sec. 207.2(j) of the Commission's *Rules of Practice and Procedure* (19 CFR 207.2(j)).

the Treasury that sugars and sirups from Canada, provided for in items 155.20 and 155.30 of the Tariff Schedules of the United States are being, or are likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921 (19 U.S.C. 160(a)). Accordingly, on November 20, 1979, the Commission instituted investigation No. AA1921-213 under section 201(a) of said act to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States. The Antidumping Act, however, was repealed on January 1, 1980, by the Trade Agreements Act of 1979 (Pub. L. 96-39, 93 Stat. 144, July 26, 1979). Under section 102 of that act, the Commission was required to terminate anti-dumping investigations in progress on January 1, 1980, and reinstitute them under subtitle B of title VII of the Tariff Act of 1930, as added by the Trade Agreements Act of 1979. Accordingly, on January 1, 1980, investigation No. AA1921-213 was terminated and a new investigation (No. 731-TA-3 (Final)) was instituted under the provisions of section 735 of the Tariff Act of 1930.

Notice of the institution of investigation AA1921-213 and of the hearing to be held in connection therewith was duly given by posting copies thereof at the Office of the Secretary, U.S. International Trade Commission, Washington, D.C. and at the Commission's office in New York City, and by publication in the *Federal Register* of November 28, 1979 (44 FR 68041). Notice of the termination of investigation No. AA1921-213 and of the institution of investigation No. 731-TA-3 (Final) was published in the *Federal Register* of January 17, 1980 (45 FR 3403). The public hearing was held in Washington, D.C. on February 13, 1980, and all persons who requested the opportunity were permitted to appear in person or by counsel.

Statement of Reasons of Vice Chairman Bill Alberger and Commissioner Michael J. Calhoun

In order for the Commission to reach an affirmative determination in this investigation under Section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673(b)), it is necessary to find that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Canada of sugars and sirups which the Department of the Treasury (Treasury) has found are being, or are likely to be, sold in the

United States at less than fair value (LTFV).²

Discussion

In this investigation, we consider the relevant domestic industry to consist of the facilities producing refined sugar located in the Northeastern States region.³

Section 771(4)(C) of the Tariff Act of 1930 (19 U.S.C. 1677(4)(C)) provides as follows:

In appropriate circumstances, the United States, for a particular product market, may be divided into 2 or more markets and the producers within each market may be treated as if they were a separate industry if—

- (i) The producers within such market sell all or almost all of their production of the like product in question in that market, and
- (ii) The demand in that market is not supplied, to any substantial degree, by producers of the product in question located elsewhere in the United States.

In such appropriate circumstances, material injury, the threat of material injury, or material retardation of the establishment of an industry may be found to exist with respect to an industry even if the domestic industry as a whole, or those producers whose collective output of a like product constitutes a major proportion of the total domestic production of that product, is not injured, if there is a concentration of subsidized or dumped imports into such an isolated market and if the producers of all, or almost all, of the production within that market are being materially injured or threatened by material injury, or if the establishment of an industry is being materially retarded, by reason of the subsidized or dumped imports.

The record of this investigation establishes that appropriate circumstances exist for treating the Northeastern States region as a separate industry. An average of over 96 percent of the sales of plants located in the Northeastern States region were to customers in that region during the period 1975-79. This clearly constitutes "all or almost all of their production", as required by the Act. Only about 5.5 percent of the sales of producers located in states outside the region were to customers within the region. We consider this amount to be insubstantial. Finally, there is a concentration of dumped imports into this region, since less than one percent of Canadian imports enter customs districts in states outside the Northeastern States region.

²The Treasury investigation covered exports of sugar and sirups from Canada between October 1, 1978 and March 31, 1979. Weighted average margins were determined for the two largest exporters, Red Path Sugars, Ltd. (20.15 percent), and Atlantic Sugar, Ltd. (19.25 percent).

³This region consists of the states of Connecticut, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont (see Finding No. 7)

Of Canadian imports entering customs districts in the Northeastern States region, only about 3.3 percent were sold in states outside the region.

We find that the refined sugar industry in the Northeastern States region is materially injured by reason of imported Canadian sugar sold at LTFV. The adverse impact of the LTFV imports on the domestic prices and government price support programs⁴ has been particularly severe. The weighted average prices at which Canadian sugar was sold in the United States have been substantially below the weighted average selling prices of the domestic firms in the Northeastern States region that responded to the Commission's questionnaires.

Moreover, the lowest Canadian prices were lower than the lowest prices for domestic refined sugar producers in the Northeastern States region. The presence of low priced imports often forced domestic producers, in particular, those selling to the grocery market trade, to make substantial discounts from these list prices in order to meet competition. These facts lead us to the conclusion that LTFV imports of sugar from Canada have contributed materially to price suppression and price depression of sugar sold in the Northeast region. In addition, there have been several instances of lost sales as a result of LTFV imports where domestic refiners could not afford to sell below their cost of production.

The sugar price-support program of the U.S. Department of Agriculture has been in effect since 1977. In essence, this program allows beet sugar processors the option of pledging their product as collateral for government loans in an amount equal to the minimum support level. The loan may be redeemed at any time, but at maturity the processor has the option of forfeiting his collateral and keeping the loan proceeds, in effect creating a sale to the government at the minimum support price.

During the period of LTFV imports of sugar from Canada, large quantities of sugar have been placed under price-support loans and large quantities of sugar have been forfeited to the Commodity Credit Corporation in lieu of repaying such loans. Stocks of sugar held by the Commodity Credit Corporation have been rising. During the period when the 1978 beet sugar crop was marketed, weighted average prices for refined sugar imported from Canada

⁴In determining whether there is material injury, section 771(7)(D)(ii) of the Tariff Act of 1930 (19 U.S.C. 1677(7)(D)(ii)) directs the Commission to "consider any increased burden on government income or price support programs" resulting from LTFV imports.

were generally below the minimum support price in Michigan and Ohio. The volume of Canadian imports at LTFV depressed sugar prices below the minimum price-support level. As a consequence, beet sugar processors forfeited their product to the Department of Agriculture to obtain a price equal to the minimum support level. The Government was burdened with increased storage and maintenance costs in addition to the costs incident to forfeiture.

In addition to the adverse impact of LTFV imports on domestic prices and price-support programs, we are convinced by the downward trend in other economic and financial indicators that these imports from Canada have contributed materially to the ill health of the regional industry. For example, during accounting years 1976-79 the ratios of net profits before income taxes to net sales and net assets declined. Profits in general declined drastically in the Northeast region and several firms showed net losses for 1978 and 1979. This poor showing on profits and return on investment has impaired the ability of many firms to raise additional capital.

Capacity utilization in the Northeastern States region has hovered near the breakeven point for the period 1975-79, and was lower than the percent capacity utilization shown by plants in the rest of the country in every year except 1978.

Findings of Fact

Section 771(7)(B) of the Tariff Act of 1930 requires the Commission to consider (i) the volume of the subject imports, (ii) their effect on the domestic price of the like product, and (iii) their impact on the domestic producers of the like product. In section 771(7)(C), the Act further specifies a series of economic facts that the Commission must include in these considerations. The following findings, based on the record in this investigation, set forth our evaluation of these factors.

A. Volumes of imports.—(1) Imports from Canada of refined sugar increased from only 1 ton in 1974 to a high of 138,000 tons in 1977. For 1978, sugar imports from Canada decreased to 98,000 tons, and totalled 81,000 tons for the first three quarters of 1979 (Report at A-50; Table 19).

(2) Imports of sugar from Canada entering through customs districts in the Northeastern States region, as a share of the primary distribution of U.S. produced sugar in that region, increased from a negligible percentage in 1974 to 4.5 percent in 1977, and then decreased to 3.3 percent in 1978. For January-

September 1979, the ratio was 4.0 percent (Report at A-50; Table 17).

(3) Imports of sugar entering through the five customs districts in the Northeastern States region accounted for more than 99 percent of the total quantity of imports from Canada in 1978 (Report at A-50; Table 22).

B. Effect of imports on U.S. prices.—(4) Generally, for the period October 1978 to March 1979, the weighted average spot prices, f.o.b. plant, for Canadian refined sugar in 100-pound bags sold to the United States were below the comparable prices of domestic prices in the Northeastern States region by a substantial margin of underselling, but less than the margin of dumping found by the Department of Treasury (approximately 20 percent) (Report at A-64; Table 25).

(5) In most of the months of the Treasury investigation, the lowest prices of Canadian firms for sugar sold in the United States were lower than the lowest prices reported for domestic refined sugar producers (Report at A-64; Table 25).

(6) On occasion, domestic firms offered substantial discounts to meet competition. This strategy was undertaken because refined sugar is a fungible commodity and aside from "brand name" product differentiation, sales of Canadian refined sugar at LTFV were fully price competitive with the domestic product. For example, domestic producers were required to meet the prices of LTFV Canadian sugar in grocery markets or lose shelf space, which, once lost, was very difficult to regain. Because of sugar's high turnover rate on grocery store shelves, product visibility and shelf space are crucial considerations. The presence of low priced imports, therefore, has a significant effect in suppressing prices. Only for the largest industrial users of sugar, who are concerned with dependability of supply as well as price, were the Canadian imports unable to compete effectively with domestic refined sugar. (Report at A-64; Answers to Commission questionnaires (Confidential); testimony of Ludlow Miller, National Sugar Refining Co. at Commission hearing on February 13, 1980, pp. 20, 35-37; Post-hearing Statement of National Sugar Refining Co., Feb. 20, 1980, pp. 3 and 4).

C. Impact on affected industry.—(7) There is a distinct regional industry which consists of refined sugar producers located in Connecticut, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont. Sales by plants located within this region to customers located in the

region averaged over 96 percent of total sales of those plants from 1975 through 1979. Less than 0.1 percent of imported Canadian sugar entered the United States in customs districts outside the Northeastern States region. Of Canadian imports entering customs districts in the region only about 3.3 percent were sold in states outside the region. Sales of refined sugar producers for plants located outside the region to customers in the region were about 5.5 percent of total sales in the region for the period 1975 through 1979 (Report at A-17-19; Table 3).

(8) Production of refined sugar by 6 refiners in the Northeast region increased slightly from 4,948 million pounds in 1975 to 5,399 million pounds in 1978, and then decreased to 5,273 million pounds in 1979 (Report at A-36; Table 13).

(9) As measured by primary distribution, sales of sugar refiners located in the Northeastern States region declined from 3.4 million short tons in 1974 to an estimated 3.0 million tons in 1978. This was a larger decline than was experienced in other states (Report at A-46; Table 17).

(10) The market share of total consumption of sugar in the Northeastern States region held by imports from Canada follows closely the ratio of imports to primary distribution of U.S. produced sugar, which increased from negligible in 1974 to 4.46 percent in 1977. This ratio declined in 1978 but recovered to 4.0 percent from January through September 1979. (See Finding No. 2; Report at A-46; Table 17).

(11) Seven firms in the Northeastern States region showed a declining profitability with the ratio of net profits to sales dropping from 5.55 percent in 1976 to 0.34 percent in 1979. Aggregate profits for these seven firms declined from \$54 million in 1976 to \$4 million in 1979. Three of these firms had net losses in both 1978 and 1979. This decline paralleled the trend of rapidly dropping profits in the entire United States sugar industry (Report at A-42; Table 15; Responses to Commission Questionnaires).

(12) Productivity of workers in the Northeastern States region in pounds of sugar per person-hour worked increased steadily from 721.4 in 1975 to 780.4 in 1979. (Report at A-40).

(13) Return on investment for refined sugar producers in the Northeastern States region, as measured by net profit before income taxes as a percentage of net assets (book value) declined dramatically from 19.08 in 1976 to 1.39 in 1979 (Report at A-45).

(14) Capacity utilization for sugar producers located in the Northeastern

States region remained at or only slightly above the breakeven point of 85 percent from 1975 to 1979. Except for 1978, this region showed a lower rate of capacity utilization than that of producers located in other States (Report at A-35; Table 13).

(15) Capital expenditures, research and development expenditures and cash flow (increases or decreases in working capital) varied so much from firm to firm, reflecting individual firm decisions, that aggregated data on these factors is not a meaningful measure of injury (Report at A-42; Table 16).

(16) Inventories of domestic refined sugar producers in the Northeastern States region increased from 401 million pounds in 1974 to 444 million pounds in 1976. Inventories declined to 343 million pounds in 1979. However, stocks held by the Commodity Credit Corporation increased in the last two months of 1979 because of forfeitures of sugar held as collateral for price support loans. (Report at A-37).

(17) The number of production and related workers employed in producing refined sugar in the Northeastern States region peaked at 5,131 in 1977 and subsequently declined to 4,967 in 1979. This same trend occurred in the number of person-hours worked by production and related workers in the region. (Report at A-40).

(18) Wages paid per person-hour worked to production and related workers in refined sugar operations in the Northeastern States region increased steadily from \$6.78 in 1975 to \$9.23 in 1979. These wages were significantly higher than that paid to workers in other states, primarily because of the higher percentage of traditionally higher paid cane sugar refinery workers in the Northeastern region. (Report at A-41).

(19) Seven out of nine reporting firms noted their ability to raise capital had been impaired by declining profitability, due in part to LTFV imports and high interest rates. Four of these firms operated primarily in the Northeastern States region. (Report at A-42, 45).

D. Impact of LTFV imports on the Sugar Price-Support Program.—(20) During the period of LTFV imports of sugar from Canada, large quantities of sugar have been placed under price-support loan and large quantities of sugar have been forfeited to the Commodity Credit Corporation in lieu of repaying such loans. Stocks of sugar held by the Commodity Credit have been rising. (Report at A-56).

(21) The minimum support price for 1978 crop beet sugar in Michigan and Ohio was 17.68 cents per pound. During the period when the 1978 beet sugar crop was marketed, weighted average

prices for refined sugar imported from Canada were below the minimum support price in the Michigan and Ohio beet processing region. (Report at A-56).

Conclusions of Law

(1) There exists a distinct regional industry as defined by section 771(4)(C) of the Tariff Act of 1930 (19 U.S.C. 1677) comprised of the sugar refinery facilities operating in the States of Connecticut, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island and Vermont (Northeastern States region).

(2) Less than fair value imports of sugar from Canada have materially increased the burden placed on the Department of Agriculture's sugar price-support program as a result of the large quantities of sugar placed under price-support loans and large quantities of sugar forfeited to the Commodity Credit Corporation in lieu of repaying such loans.

(3) The Northeastern States region, as defined above, is materially injured by reason of imports of sugar and sirups from Canada which the Department of Treasury has found are being, or are likely to be, sold in the United States at less than fair value.

Statement of Reasons of Commissioners George M. Moore and Paula Stern

On the basis of the record developed in this investigation, we determine, pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673(b)), that an industry in the United States is materially injured by reason of imports of sugars and sirups from Canada which the Department of the Treasury has found are being, or are likely to be, sold in the United States at less than fair value (LTFV).

The Domestic Industry

In this investigation, we consider the relevant domestic industry, against which the impact of imports sold at LTFV must be measured, to consist of the facilities producing refined sugar located in the Northeastern States region.⁵

Section 771(4)(C) of the Tariff Act of 1930 (19 U.S.C. 1677(4)(C)) provides as follows:

In appropriate circumstances, the United States, for a particular product market, may be divided into 2 or more markets and the producers within each market may be treated as if they were a separate industry if—

⁵ For the purposes of this investigation, this region consists of the states of Connecticut, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont.

(i) The producers within such market sell all or almost all of their production of the like product in question in that market, and

(ii) The demand in that market is not supplied, to any substantial degree, by producers of the product in question located elsewhere in the United States.

In such appropriate circumstances, material injury, the threat of material injury, or material retardation of the establishment of an industry may be found to exist with respect to an industry even if the domestic industry as a whole, or those producers whose collective output of a like product constitutes a major proportion of the total domestic production of that product, is not injured, if there is a concentration of subsidized or dumped imports into such an isolated market and if the producers of all, or almost all, of the production within that market are being materially injured or threatened by material injury, or if the establishment of an industry is being materially retarded, by reason of the subsidized or dumped imports.

The record of this investigation establishes that appropriate circumstances exist for treating the Northeastern States region as a product market served by a separate industry. Over 94 percent of the sales of plants located in the Northeastern States region were to customers in that region during the period 1975-79.⁶ Only about 5.5 percent of the sales of producers located in the states outside the region were to customers within the region.⁷ Less than one percent of Canadian imports entered customs districts in states outside the Northeastern States region.⁸ Of Canadian imports entering customs districts in the Northeastern States region, only about 3.3 percent were sold in states outside the region.⁹ Thus, the region's producers sell almost all their production within the region, and the region's demand is not satisfied to any substantial degree by product from elsewhere in the United States.

Sales at Less Than Fair Value

The Department of the Treasury found sales at less than fair value by Redpath Sugars, Ltd., with an average ratio of LTFV margin to purchase price of 20.33 percent, and by Atlantic Sugar, Ltd., with an average ratio of 19.25 percent.¹⁰

The Question of Injury

The financial performance of firms located primarily in the Northeastern

⁶ *Sugars and Sirups from Canada*, Report to the Commission in Investigation No. 731-TA-3 (FINAL) Under Section 735 of the Tariff Act of 1930, as amended, (hereinafter referred to as "Report"), pp. 17-19.

⁷ Report, p. 19.

⁸ Report, pp. 46-53.

⁹ Posthearing Submission of Redpath Sugars, Ltd., Atlantic Sugar, Ltd., Confidential Exhibit B.

¹⁰ Report, pp. 12-15.

States region has been unsatisfactory. During accounting years 1976-79 the ratios of net profits before income taxes to net sales and net assets declined from 5.55 percent to 0.34 percent, and from 19.08 percent to 1.39 percent, respectively.¹¹ Employment and person-hours worked declined during the period 1977-79 from 5,131 employees to 4,967 employees, and from 10.0 million hours to 9.7 million hours, respectively.¹² Capacity utilization has hovered near the breakeven point (85 percent capacity utilization) for the period 1975-79, never rising higher than 88 percent.¹³

Data on inventories in the case are inconclusive because of the existence of the price-support program covering beet sugar producers in the region. Yearend data reflect primarily beet sugar because cane sugar refineries maintain much lower inventories as raw sugar can be imported year round. Regional inventories rose in the years preceding the start of the program, but have fallen from 393 million pounds in 1977 to 343 million pounds in 1979.

Since its inception in late 1977, the sugar price-support program of the U.S. Department of Agriculture has been a burden on government income.¹⁴ At the end of 1979, 1,981,377 short tons, raw value, of sugar had been placed under price-support loan and of this quantity 506,724 short tons had been forfeited to the Commodity Credit Corporation in lieu of repaying such loans.¹⁵ Yearend stocks of sugar held by the Commodity Credit Corporation rose from 171,000 short tons in 1978 to 409,000 short tons in 1979.¹⁶ Beet sugar processors in Michigan and Ohio faced with import competition from imported Canadian sugar had placed 100,500 short tons of sugar under price support loan at the end of 1979.¹⁷ While some of the sugar placed under price-support loan was redeemed and sold at prevailing prices to maintain customers, some was also forfeited to the Commodity Credit Corporation. The minimum support price for 1978 crop beet sugar in Michigan and Ohio was 17.68 cents per pound. During the period when the 1978 beet sugar crop was marketed, the prevailing price

in the Michigan and Ohio was generally below this minimum support price.¹⁸

The Question of Causation

Refined sugar is a fungible commodity and aside from "brand name" product differentiation, Canadian refined sugar was fully competitive with the domestic product on a price basis in the market place. For example, domestic producers were required to meet prices of Canadian sugar in grocery markets or lose shelf space which, once lost, is very costly to regain. Only for the largest industrial users of sugar, which are very concerned with the dependability of supplies as well as price, were the Canadian imports unable to compete effectively with domestic refined sugar.

The weighted average prices at which Canadian sugar was sold in the United States have been substantially below the weighted average selling prices of the domestic firms in the Northeastern States region that responded to the Commission's questionnaires.¹⁹ Moreover, the lowest Canadian prices were lower than the lowest prices for domestic refined sugar producers in the Northeastern States region. On occasion, domestic firms offered substantial discounts to meet competition. This fact suggests price suppression and price depression as a result of Canadian sugar imports sold at LTFV.²⁰

Domestic refiners located in the Northeastern States region indicated that they suffered lost sales as a result of Canadian sugar imports. Customer surveys conducted by the U.S. Department of Labor and Commerce in connection with adjustment assistance cases involving refiners in the Northeastern States region verified that decreased purchases of domestic refined sugar corresponded to increased purchases of imported refined sugar.²¹ Since Canada supplied over 99 percent of all U.S. imports of refined sugar in 1978 and 1979, the increased purchases of imported refined sugar in the Northeastern states during those years consisted of sugar of Canadian origin.

We conclude that an industry in the United States is materially injured by reason of imports of sugar and sirups from Canada which the Department of the Treasury has found are being, or are

likely to be, sold in the United States at less than fair value.

Issued: March 6, 1980.

By Order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 80-9172 Filed 3-25-80; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 701-TA-2 (Final)]

Pig Iron From Brazil

Determination

On the basis of the record¹ in investigation No. 701-TA-2 (Final), the Commission unanimously determined, pursuant to section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)), that an industry in the United States is materially injured by reason of the importation of pig iron (provided for in item 606.13 of the Tariff Schedule of the United States) from Brazil upon which the administering authority determined that subsidies are being paid by the Government of Brazil.

Background

The Commission received advice from Treasury on November 20, 1979, regarding the bounty or grant being paid with respect to pig iron and thereafter instituted an investigation (No. 303-TA-12) under section 303(b) of the Tariff Act of 1930, as effective at that time. Because that investigation had not been completed at the time the new countervailing duty provisions became effective (Jan. 1, 1980), the investigation was terminated and reinstituted as investigation No. 701-TA-2 (Final) pursuant to section 102 of the Trade Agreements Act of 1979.

Notice of the termination of the earlier investigation and institution of the new investigation and of the public hearing to be held in connection therewith was duly given by posting copies of the notice at the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and at the Commission's office in New York City, and by publishing the notice in the **Federal Register** of January 17, 1980 (45 FR 3402). The hearing was held in Washington, D.C. on February 6, 1980; all persons requesting the opportunity to appear were permitted to do so in person or by counsel.

Views of Commissioners Alberger, Stern and Calhoun

In order for the Commission to reach an affirmative determination in this

¹ The "record" is defined in sec. 2072(j) of the Commission's *Rules of Practice and Procedure* (19 CFR 207.2(j)).

¹¹ Report, pp. 42-45.

¹² Report, pp. 40-41.

¹³ Report, pp. 35-36.

¹⁴ In determining whether there is material injury, section 771(7)(D)(ii) of the Tariff Act of 1930 (19 U.S.C. 1677(7)(D)(ii)) directs the Commission to "consider any increased burden on government income or price support programs" resulting from LTFV imports.

¹⁵ Report, p. 56.

¹⁶ Report, p. 38.

¹⁷ Report, p. 56.

¹⁸ Report, p. 56. Commissioner Stern notes that the information on the record on other economic indicators which the Commission considers was inconclusive with respect to the health of this industry. Such factors included cash flow, wages, ability to raise capital and investment.

¹⁹ Actual prices for both Canadian and domestic firms are confidential.

²⁰ Report, p. 63.

²¹ Report, pp. 54-55.

investigation, pursuant to Section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)), it is necessary to find that an industry in the United States is materially injured or threatened with material injury, or that the establishment of an industry in the United States is materially retarded by reason of imports of pig iron from Brazil with respect to which the Department of the Treasury (Treasury) has found a subsidy is being provided.¹

The Domestic Industry

For the purposes of this investigation, we consider the relevant industry to be those facilities in the United States producing cold pig iron.

Section 771(4) of the Tariff Act of 1930 (19 U.S.C. 1677(4)) provides, in part, as follows:

"(A) In General.—The term 'industry' means the domestic producers as a whole of a like product, or those producers whose collective output of the like product constitutes a major proportion of the total domestic production of that product."

"(D) Product Lines.—The effect of subsidized or dumped imports shall be assessed in relation to the United States production of a like product if available data permit the separate identification of production in terms of such criteria as the production process or the producer's profits. If the domestic production of the like product has no separate identity in terms of such criteria, then the effect of the subsidized or dumped imports shall be assessed by the examination of the production of the narrowest group or range of products, which includes a like product, for which the necessary information can be provided."

Section 771(10) (19 U.S.C. 1677(10)) provides that:

"The term 'like product' means a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title."

Although production methods for hot and cold pig iron are very similar and the same facilities may be used for both, cold pig iron satisfies a different type of demand. Over 96 percent of U.S. hot pig iron is used in captive steelmaking, the remainder primarily being used in the production of cast-iron products. Cold pig iron is also used in the production of cast-iron products and thus might be considered competitive with hot pig iron in this category.

However, cold pig iron can be transported over long distances, unlike hot pig iron which is transferred in its molten state to nearby customers. In the United States, most producers of cold pig iron also produce hot pig iron for use in their own steelmaking operations, while their cold pig iron production is sold on a regular basis to others (the merchant market). These producers serve seven regional markets in the United States, making use of separate and distinct marketing and distribution channels, as well as storage facilities not required in the market for hot pig iron.

Data gathered by the Commission shows that while shipments of cold pig iron have declined over the course of the last ten years, shipments of hot metal merchant pig iron have remained relatively stable. These trends indicate that, as a matter of strategy, producers have not shifted resources back and forth between hot and cold production.

Six firms constitute the domestic cold pig iron industry. Their cold pig iron production is generally sold to cast iron foundries for the making of iron castings such as engine blocks, other cast-iron auto parts, and soil pipe. During the period under investigation by the Commission, U.S. Steel and Interlake, among the most diversified pig-iron producers, closed major plants in September 1978 and December 1979, respectively. Early this year, a third firm, Cyclops, announced its plans to close down its cold pig iron plant by June 1980.

Cold pig iron is the smallest segment of the total pig iron market and the only portion which has been directly impacted by imports. All imports from Brazil are cold pig iron.

Conditions of Trade and Development in the Industry

The Commission's investigation of conditions of trade and development in the industry indicates that domestic producers of cold pig iron faced difficulties from a variety of sources. Weakness in demand was evident as apparent U.S. consumption continued in its long-term decline from 2.9 million short tons in 1968 to just over one million short tons in 1979. From 1977–1979 apparent consumption declined by about 200,000 short tons. This trend was reinforced by the increasing substitution of scrap iron, which is usually cheaper, for pig iron in the raw material mix used by foundries in making cast-iron products. In addition, cost of goods sold has risen from 87.1 percent of sales in 1977 to 92.4 percent in 1979.

During this period the industry lost market share to total imports. Although

in absolute terms, imports remained relatively stable, domestic production declined by 17 percent, from 936,000 short tons in 1977 to 782,000 short tons in 1979, and U.S. sales followed a similar pattern, dropping 15 percent in value in 1979 below their 1977 level. Total imports share of the domestic market thus increased from 29.3 percent in 1977 to 44.5 percent in 1979.

Antiquated machinery was the major reason for shutting down at least one of the two large plants that closed during the period. Taking both closures into account, employment in the industry declined by 37.1 percent from 1977–1979. With reduced capacity, capacity utilization reversed an earlier downward trend, increasing by eleven percentage points and productivity increased by 14.6 percent. Figures adjusted for plant closures revealed that inventory levels were up 125 percent in 1979 over 1977 levels.

Material Injury by Reason of the Subsidized Imports

The law requires the Commission to determine whether a domestic industry in the United States is materially injured by reason of imports of the subsidized product.²

In finding material injury, the Commission must attempt to distinguish between the role of imports and that of other factors in order to assess whether such injury is by reason of subsidized imports. However, the law does not intend that imports and other factors be weighed one against the other. Rather, it is contemplated that the Commission carefully examine whether or not subsidized imports account for material injury to the domestic industry.³

In examining the role of imports, the Commission considers all relevant economic data, including the criteria set out in Section 771 of the Tariff Act of 1930: volume of imports, their effect on U.S. prices and the impact of imports on the industry.

The volume of imports of the subsidized merchandise from Brazil increased significantly over the period. These imports jumped by 45 percent from 127,000 short tons in 1977 to 184,000 short tons in 1979. This trend was part of a longer period of increasing market penetration by Brazilian pig iron, which peaked in 1978 at approximately 650 percent of the quantity of imports entered into the United States in 1975. In absolute terms, imports from Brazil dropped slightly during 1979 after the filing of the countervailing duty petition in November 1978.

¹ Tariff Act of 1930, Section 705(b).

² See House Report, p. 47.

³ The Treasury Department found that subsidies to Brazilian producers of pig iron averaged 24.5 percent. The Commerce Department later revised this figure to 21.2. After Brazil began to phase out most of these subsidies, benefits were calculated to average 6.07 percent after December 7, 1979. These subsidies were calculated for 16 individual firms and range from 2.85 percent to 15.42 percent. See Commission Report, pp. A-2, A-3.

This increase in imports from Brazil can be contrasted with the rather flat trend register for absolute quantities of imports from all sources from 1975 to 1979. Brazil thus increased its share of the total import market from five percent in 1975 to 39 percent in 1979 in terms of quantity. From 1977 to 1979 the increase was 34 to 39 percent. Since U.S. consumption was declining during this period, imports from Brazil were displacing both domestic products and other imports. Imports from Brazil increased as a percentage of consumption from 1.9 percent in 1975 to 17.2 percent in 1979. From 1977 to 1979, imports from Brazil almost doubled their share of consumption.

When this growth by Brazilian imports in a declining market is viewed in conjunction with pricing data analyzed by the Commission, it indicates that price suppression and in some cases, price depression did occur. The Commission found that during the entire period from 1977 to 1979, the margin by which Brazilian cold pig iron undersold the domestic product averaged from \$40 to \$50 per short ton, narrowing appreciably only during the last two quarters of 1979. This pricing strategy gave Brazilians approximately a twenty percent price advantage over domestic producers. The subsidies found by Treasury and revised by Commerce account for a significant proportion of the margins of underselling.

Prices for domestically produced products have risen only slightly since 1975; ⁴ in fact, discounting has been a frequent practice. By contrast, the wholesale price index has risen over forty percent and prices for foundry forge products, for which cold pig iron is an input, have risen nearly fifty percent.

Coupled with rising costs of production and decreasing market share of a shrinking market, U.S. cold pig iron producers have experienced a profit squeeze. Data submitted by producers representing 75 percent of sales show that net profits dropped by 70 percent. As a share of net sales, net operating profits fell sharply from 9.3 percent in 1977 to a loss of 1.5 percent in 1978, when plant closures occurred. Although the industry managed to improve its performance slightly in 1979, net profits remained at a significantly low level, only 3.4 percent of net sales.

The Commission was able to confirm claims by domestic producers of sales lost to Brazilian imports. Although declining in each year of the investigation, sales lost were of significant value. A purchaser's survey conducted by the Commission places

prime importance on price of Brazilian pig iron in making purchasing decisions.

Conclusion

The Commission's investigation produced information which showed (1) that imports of cold pig iron entering the United States from Brazil have increased in a significant way; and (2) that these imports are a cause of material injury to the domestic industry, having produced price suppression and contributed significantly to low profitability in the industry.

Findings of Fact

The conclusion that domestic producers of cold merchant pig iron are materially injured by reason of subsidized Brazilian imports of pig iron is based on consideration of the economic factors required by Section 771(7) of the Tariff Act of 1930 (19 U.S.C. 1677(4)). The findings of fact are:

A. *Volume of imports.* 1. Total U.S. imports of pig iron, most, if not all, of which are cold merchant pig iron, increased 37 percent from 1975 to 1978, from 478,000 short tons to 655,000 short tons. Imports dropped 27 percent in 1979 to 476,000 short tons. (Report at A-22; Table 8)

2. Imports from Brazil increased from 26,000 short tons or 5 percent of total imports in 1975 to 198,000 short tons or 30 percent of the total in 1978 and then decreased to 184,000 short tons or 39 percent of the total in 1979. (Report at A-22; Table 8)

B. *Effect of imports on United States prices.* 3. Pig iron from Brazil undersells domestic pig iron by a significant margin during almost the entire period of 1977-79. In dollar terms, these margins averaged from \$40 to \$50 per short ton. Only in the last two quarters of 1979 did margins narrow appreciably, and only then in certain market areas. Margins of underselling did vary from one market area to another. (Report at A-39-43)

4. Merchant pig iron prices increased only 16 percent during the 1975-79 period. (Report at A-47; Table 24) An attempt to increase domestic published prices in 1978 was rescinded and the reason alleged was low priced imports from Brazil. (Report at A-45)

5. Discounts in the range of 5 to 15 percent from published prices have been and are currently the rule rather than the exception. (Report at A-48)

6. According to domestic producers' cost data, input prices increased from Dec. 1975 to Dec. 1979 as follows: iron ore—39 percent; limestone—16 percent; coke—30 percent; fuel (oil)—72 percent; labor—55 percent. (Report at A-45)

C. *Impact on affected industry.* 7. Production of cold merchant pig iron

declined from 935.5 thousand short tons in 1977 to 782 thousand short tons in 1979. (Report at A-18; Table 4)

8. Domestic shipments of cold merchant pig iron decreased from 962,000 short tons in 1977 to 812,000 short tons in 1978 to 703,000 short tons in 1979. (Report at A-29; Table 14)

9. As a share of total merchant pig iron shipments, hot metal has remained stable not only over the 1977-79 period but also over the long run period from 1968-79. At the same time, the share controlled by cold metal has declined over both the long and short run.

Year	Hot metal	Cold metal (1,000 net tons)
1968.....	1,150	2,096
1977.....	1,144	962
1979.....	1,151	703

(Report at A-26; Table 12.)

10. Sales of cold pig iron were 890,000 short tons in 1977, 900,000 short tons in 1978, and 715,000 short tons in 1979. The value of the sales was less in 1979 than in either of the other two years, being \$138 million in 1979, \$158 million in 1978, and \$163 million in 1977. (report at A-20; Table 6)

11. Confidential questionnaire responses provided evidence of sales lost to imports from Brazil, the total amount of which were about \$26 million in 1977, \$8 million in 1978, and \$5 million in 1979. (Report at A-50; Table 26)

12. The ratio of imports of pig iron from Brazil to apparent consumption of cold pig iron increased from 1.9 percent in 1975 to 9.9 percent in 1977 to 17.2 percent in 1979. (Report at A-36; Table 19)

13. Net operating profit on production of cold pig iron decreased by 70.2 percent from \$11.9 million in 1977 to \$3.6 million in 1979. Profit, as a percent of net sales, dropped from 9.3 percent in 1977 to a loss of 1.5 percent in 1978 before increasing to 3.4 percent in 1979. (Report at A-33; Table 16)

14. Productivity for the domestic producers of cold pig iron was 0.440 tons per person-hours in 1977, 0.365 tons in 1978, and 0.515 tons in 1979, a 14.6 percent increase over 1977. (Report at A-31)

15. Producers return on investment, measured both a ratio of net operating profits to book value and replacement value of net assets, decreased from 1977 to 1979. (Report at A-34; Table 17)

16. Capacity utilization decreased from 42.2 percent in 1975 to 36.9 percent in 1978 and increased to 54.1 percent in 1979. The increase was primarily attributable to the 900,000 ton decline in

⁴ See Hearing Transcript, p. 20.

production capacity in that year. (Report at A-18-19; Table 5)

17. Adjusted inventory data show an increase in end of period inventories from 104,000 short tons in 1977 to 233,000 short tons in 1979. The ratio of inventories to sales shows an increase from 11.7 percent in 1977 to 32.6 percent in 1979. (Report at A-21; Table 7)

18. The average number of production workers for cold pig iron decreased from 1,519 in 1977 to 956 in 1979, or by 37.1 percent. (Report at A-31; Table 15)

19. Wages, as measured by cost of direct labor per person-hour, increased 12.9 percent from 1977 to 1979 for the cold pig iron producers reporting to the Commission. (Report at A-31)

20. Capital expenditures by cold pig iron producers, increased from \$3.6 million in 1977 to \$7.7 million in 1978, then dropped sharply in 1979 to \$1.6 million. (Report at A-34)

21. Demand, as measured by apparent consumption, has declined over the long run from 2.8 million short tons in 1968 to 1.3 million short tons in 1977 to 1.1 million short tons in 1979. As the market for cold merchant pig iron progressively declined, total imports' share increased from a level of 15-18 percent in the early 1970's to 35-46 percent in the late 1970's. (Report at A-28-29; Table 14)

22. In September 1978, U.S. Steel closed its plant at Cleveland, Ohio, and in December 1979, Interlake, Inc. closed its Toledo, Ohio plant. Cyclops Corp. and U.S. Steel are considering closure of their respective plants at Portsmouth, Ohio, and Geneva, Utah. (Report at A-19)

23. Foundries have been substituting cheaper steel scrap for cold pig iron with their raw material input shifting to an 87-88 percent scrap, 12-13 percent pig iron ratio. (Report at A-36-37; Table 20)

24. From 1975 through 1979, the wholesale price index rose 40 percent, with the index for foundry forge products rising 50 percent. At the same time, the price index for domestic pig iron rose only 10 percent. (Report at A-45; Figure 5)

Conclusions of Law

A. We determine that the domestic industry against which the impact of subsidized imports of pig iron from Brazil should be measured is the merchant producers of cold pig iron.

B. We determine that the domestic industry is materially injured by reason of subsidized imports of pig iron from Brazil.

Statement of Reasons of Chairman Catherine Bedell and Commissioner George M. Moore

On the basis of the record developed in this investigation, we determine, pursuant to section 705 of the Tariff Act of 1930, that an industry in the United States is being materially injured by reason of imports of pig iron from Brazil which the administering authority has found to be benefiting from countervailable subsidies of the Government of Brazil.

Countervailable subsidies

The administering authority determined that the following three programs of the Government of Brazil confer benefits on all pig iron exports which constitute the payment of a subsidy under U.S. countervailing duty law: the excessive remission of an industrial products tax on pig iron at the time of exportation, working capital financing at preferential rates, and advances of Brazilian curzeiros against foreign-exchange contracts and foreign-exchange receivables at preferential interest rates. These benefits were first found to average 24.5 percent, ad valorem, f.o.b. Vitoria, Brazil, and later corrected to read 21.22 percent. The average was determined on the basis of the weighted average benefits received by 16 specific Brazilian firms and is applicable to all Brazilian exporters not included in the 16 specific companies. However, the Government of Brazil is in the process of removing some of these benefits, and the administering authority has revised the magnitude of these benefits accordingly; they are now found to average 6.07 percent ad valorem, f.o.b. Vitoria, Brazil and range from 2.85 percent to 15.42 percent for the 16 individual Brazilian firms.

Domestic Industry.—In its letter of November 19, 1979, advising the Commission that a bounty or grant is being paid with respect to pig iron, the administering authority stated that the product with respect to which it had made its determination is pig iron imported from Brazil and entered under TSUS item 607.15. Pig iron entering under TSUS item 607.15 (reclassified as TSUS item 606.13) will be referred to in this opinion as merchant pig iron. Such imports consist almost entirely of cold merchant pig iron.

In making a determination under section 705(b) of the Tariff Act the Commission must determine whether an industry in the United States is materially injured or is threatened with material injury by reason of imports of the merchandise with respect to which the administering authority had made an

affirmative determination.¹ Under section 771(4) of the act the term "industry" is defined as meaning "the domestic producers as a whole of a like product, or those producers whose collective output of the like product constitutes a major proportion of the total domestic production of that product." In assessing the effect of the subsidized imports on this industry, section 771(4)(D) directs that "[t]he effect of subsidized . . . imports shall be assessed in relation to the United States production of a like product if available data permit the separate identification of production in terms of such criteria as the production process of the producer's profits." Section 771(10) defines the term "like product" as "a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation * * *". Since there are domestic producers of cold merchant pig iron, a product "like" the imported product, we have considered the relevant domestic industry to consist of the facilities in the United States used in the production of cold merchant pig iron, and, inasmuch as the Commission has been able to obtain information which permits the separate identification of data with respect to the production of cold merchant pig iron, we have assessed the impact of the subject imports on the domestic production of this product. Currently there are six domestic producers, two of which are considering closing their plants and two of which have closed major pig iron facilities in the recent past but still operate other pig iron facilities.²

Material injury by reason of subsidized imports.—Pursuant to section 771(7) of the act, the term "material injury" means "harm which is not inconsequential, immaterial, or unimportant." In determining whether an industry is materially injured the Commission shall consider, among other factors—

(i) the volume of imports of the merchandise which is the subject of the investigation;

(ii) the effect of the imports of that merchandise on prices in the United States for like products, and

(iii) the impact of imports of such merchandise on domestic producers of like products.

As set forth below, subsection (C) provides further guidance to the

¹ Whether the establishment of an industry in the United States is materially retarded is also a possible issue under sec. 705(b) of the act, but it is not an issue in this investigation.

² See pp. A-7 and A-18 of the Commission Report (C.R.).

Commission with respect to the evaluation of these factors.

It is clear from the legislative history of the Trade Agreements Act of 1979 that in determining whether material injury is "by reason of" subsidized imports the Commission is to interpret this causation standard in the same manner as it was interpreted under prior law.³ It is also clear from the legislative history that section 705 does not contemplate—

that the effects from the subsidized imports be weighed against the effects associated with other factors (e.g., the volume and prices of nonsubsidized imports, contraction in demand or changes in patterns in consumption, trade restrictive practices of and competition between the foreign and domestic producers, developments in technology, and the export performance and productivity of the domestic industry) which may be contributing to the overall injury to an industry. Nor is the issue whether subsidized imports are the principal, a substantial, or a significant cause of material injury.⁴

Volume of imports.—Section 771(7)(C)(i) directs that, in evaluating the volume of imports, "the Commission shall consider whether the volume of imports of the merchandise, or any increase in that volume, either in absolute terms or relative to production or consumption in the United States, is significant."

Data obtained by the Commission during its investigation indicate that imports from Brazil totaled about 26,000 short tons, or 5 percent of total imports, in 1975. These imports climbed to a level of about 184,000 short tons, or 39 percent of total imports, in 1979. The ratio of imports from Brazil to domestic production increased from 14.4 percent in 1977 to 20.3 percent in 1979, and the ratio of these imports to domestic consumption rose from 1.9 percent in 1975 to 9.9 percent in 1977 and to 17.2 percent in 1979.⁵ Thus, it is clear that there has been a significant increase in imports both in absolute terms and relative to domestic production and consumption.

Price.—Section 771(7)(C)(ii) directs that, in evaluating the effect of subsidized imports on prices, the Commission shall consider whether—

(I) there has been significant price undercutting by the imported merchandise as compared with the price of like products in the United States, and

(II) the effect of imports of such merchandise otherwise depresses prices to a significant degree or prevents price increases, which otherwise would have occurred to a significant degree.

During the relevant period, margins of underselling were frequently as high as \$40 to \$50 per ton or there was a price advantage of often more than 20 percent.⁶ Only in late 1979 did this margin narrow appreciably. Moreover, imported pig iron from Brazil sold at lower prices in areas more distant from domestic producers' locations.⁷ At the Commission hearing, importers admitted that low prices were used as a tool for gaining access to the market, at least through 1978.⁸ The price-suppressing impact of these subsidized imports sold at low prices is reflected in the minimal increase in producers' prices in the face of sharply increased costs of production.⁹ The high level of imports from Brazil during 1977–79 not only suppressed prices, but in some instances resulted in price reductions by domestic producers.¹⁰

Impact on affected industry.—Section 771(7)(C)(iii) directs that, in examining the impact of subsidized imports on the domestic industry—the Commission shall evaluate all relevant economic factors which have a bearing on the state of the industry, including, but not limited to—

(I) actual and potential decline in output, sales, market share, profits, productivity, return on investments, and utilization of capacity,

(II) factors affecting domestic prices, and

(III) actual and potential negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital, and investment.

During 1977–79, there was a decline in demand for cold merchant pig iron as measured by the decline in apparent domestic consumption from 1.3 million short tons to 1.1 million short tons. However, the share of apparent domestic consumption accounted for by imports from Brazil increased sharply from 9.9 percent to 17.2 percent in the same period.¹¹ Information developed by the Commission during its investigation indicates that the increased presence of imports from Brazil intensified the adverse effects of an already-shrinking market.¹² The success of the low-priced

sales effort is evident in import figures and in sales lost by domestic producers, as well as in production, shipments, inventories, and employment figures.

During 1977–79, domestic production fell about 17 percent,¹³ producers' sales fell about 15 percent (by value),¹⁴ and producers' inventories (adjusted) increased as a share of sales from 12 percent to 33 percent.¹⁵ Utilization of capacity was low throughout the period, and only the exit of two firms and the resulting drop in capacity pushed capacity utilization to a level of 54 percent in 1979.¹⁶ Employment in the industry declined 29 percent from 1977 to 1979, with a parallel drop in man-hours worked.¹⁷ Productivity as measured by output per man-hour reported for six cold merchant pig iron producers increased 14.6 percent from 1977 to 1979.¹⁸

There is ample evidence of sales lost to imports from Brazil during the period under review. Domestic producers provided numerous specific instances of lost sales and lost revenues attributable to low-priced imports from Brazil, which were subsequently confirmed by the Commission.¹⁹ According to data from the purchasers' questionnaire, the key factor in their decision to purchase Brazilian pig iron was price.²⁰

Material injury to the industry stemming from the impact of low-priced imports of pig iron from Brazil is also sharply evident in data collected on profitability. Net operating profit of four cold merchant pig iron producers decreased from \$11.6 million in 1977 to \$3.6 million in 1979, or by 70 percent. The ratio of net operating profit to net sales dropped from 9.3 percent in 1977 to 3.4 percent in 1979, a loss of 1.5 percent occurred in 1978.²¹ If Cyclops Corp. fulfills its announced intention to close its plant on May 31, 1980, the writeoff will apply to 1979 earnings and will result in a further decrease in the net operating profit for the cold merchant pig iron industry.²²

Investment by the four cold merchant pig iron producers reporting to the Commission declined from \$280 million in 1977 to \$250 million in 1979. The ratio of return on investment for these producers (net operating project to

³ C.R., pp. A-37–48.

⁴ C.R., pp. A-41–43.

⁵ Transcript of hearing, pp. 144–145, 161, 170.

⁶ C.R., p. A-45; petitioner's posthearing brief, p. 3.

⁷ C.R., p. A-48; transcript of the hearing, pp. 17–19, 37–38.

⁸ C.R., p. A-36.

⁹ C.R., pp. A-29, A-48; petitioner's prehearing statement, pp. 9–11; petitioner's posthearing brief, p. 2–3; transcript of the hearing, pp. 12–13.

¹³ C.R., p. A-16.

¹⁴ C.R., p. A-20.

¹⁵ C.R., p. A-21.

¹⁶ C.R., pp. A-18–19.

¹⁷ C.R., p. A-31.

¹⁸ C.R., p. A-31.

¹⁹ C.R., pp. A-48–50.

²⁰ C.R., p. A-48–49.

²¹ C.R., pp. A-32–33.

²² C.R., p. A-32.

³ Trade Agreements Act of 1979: Report of the Committee on Finance . . . S. Rept. No. 96–249 (96 Cong., 1st Sess.), 1979, p. 57. Trade Agreements Act of 1979: Report of the Committee on Ways and Means . . . H. Rept. No. 96–317 (96 Cong., 1st Sess.), 1979, pp. 46–47.

⁴ Senate Report 96–249, p. 57.

⁵ C.R., pp. A-25 and A-36.

investment) declined from 4.3 percent in 1977 to 1.6 percent in 1979.²³

On the basis of these factors, we have determined that the domestic pig iron industry is materially injured by reason of subsidized imports.

Issued: March 21, 1980.

By Order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-9173 Filed 3-25-80; 8:45 am]

BILLING CODE 7020-02-M

[332-73]

Release for Public Comment of Provisionally Adopted Chapters of the Harmonized Commodity Description and Coding System

AGENCY: United States International Trade Commission.

ACTION: Release for public comment, pursuant to Commission investigation No. 332-73, under the authority of section 332(g) of the Tariff Act of 1930, as amended, of drafts of the following chapters of the Harmonized Commodity Description and Coding System as provisionally adopted by the Harmonized System Committee and the Nomenclature Committee of the Customs Cooperation Council.

- Chapter 4—Dairy produce; birds' eggs; natural honey; edible products of animal origin, not elsewhere specified or included.
- Chapter 12—Oil seeds and oleaginous fruits; miscellaneous grains, seeds and fruit; industrial and medical plants; straw and fodder.
- Chapter 18—Cocoa and cocoa preparations.
- Chapter 19—Preparations of cereals, flour or starch; pastrycooks' products.
- Chapter 21—Miscellaneous edible preparations.
- Chapter 22—Beverages, spirits and vinegar.
- Chapter 23—Residues and waste from the food industries; prepared animal fodder.
- Chapter 35—Albuminoid substances; glues; enzymes.
- Chapter 36—Explosives, pyrotechnic products; matches; pyrophoric alloys; certain combustible preparations.
- Chapter 37—Photographic and cinematographic goods.
- Chapter 42—Articles of leather; saddlery and harness; travel goods, handbags and similar containers; articles of animal gut (other than silk-worm gut).

WRITTEN SUBMISSIONS: Parties wishing to submit written comments should do so by July 1, 1980.

HEARING: Parties desiring the Commission to hold a hearing on these draft chapters of the Harmonized Code should contact the Secretary of the Commission by April 11, 1980, and show good cause for holding a hearing.

COPIES OF DOCUMENTS: Copies of the chapters which are the subject of this notice are available for public inspection at the offices of the Commission, 701 E Street, NW., Washington, D.C. 20436, or at 6 World Trade Center, New York, N.Y. 10048. The Commission will also send copies to interested parties upon request.

FOR FURTHER INFORMATION CONTACT: Eugene A. Rosengarden, Director, Office of Nomenclature, Valuation and Related Activities, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, Telephone: 202/523-0370.

SUPPLEMENTARY INFORMATION: In its public notice of February 8, 1980 (45 FR 9828 of February 13, 1980), the Commission identified 48 chapters of the Harmonized Commodity Description and Coding System (Harmonized System) for which texts had been provisionally adopted by the Harmonized System and Nomenclature Committees of the Customs Cooperation Council. The purpose of the above mentioned notice was to invite comments and views of interested parties with respect to the 48 chapters.

Since the release of the February 8, 1980 notice, provisionally adopted texts of eleven further chapters have been published by the Customs Cooperation Council. This notice hereby amends the previous notice by adding these eleven new chapter texts to the list of texts released for public comment.

This notice is being issued pursuant to Commission investigation No. 332-73, instituted on January 31, 1975 (40 FR 6329), under section 332(g) of the Tariff Act of 1930. The investigation was initiated in accordance with section 608 (c) of the Trade Act of 1974, which provides, in part, that the Commission shall institute an investigation which would provide the basis for—

(2) full and immediate participation by the United States International Trade Commission in the United States contribution to technical work of the Harmonized Systems [sic] Committee under the Customs Cooperation Council to assure the recognition of the needs of the United States business community in the development of a Harmonized Code reflecting sound principles of commodity identification and specification and modern producing methods and trading practices * * *

The Harmonized Commodity Description and Coding System (Harmonized Code) is being developed by the Customs Cooperation Council (CCC), an 80-member international organization with headquarters in Brussels, as an international commodity classification system which will be adaptable for modernized customs tariff

nomenclature purposes and for recording, handling, and reporting of transactions in international trade. The Harmonized Code will be based on, and in many respects will be an extension of, the Customs Cooperation Council Nomenclature (CCCN), formerly known as the Brussels Tariff nomenclature (BTN).

Currently, the Technical Team working under auspices of the CCC prepares drafts of the various chapters of the Harmonized Code for consideration by the Harmonized System Committee, which was established in order to develop the code. These drafts are forwarded to the members and observers of the Committee for their review and submission of written comments. The Committee meets three times a year to consider these drafts and the written comments and presentations of the various delegations. The review of a particular chapter or group of chapters may extend to more than one meeting.

In its public notices of May 4, 1976 (41 FR 18716 of May 6, 1976), August 9, 1976 (41 FR 34370 of August 13, 1976), December 20, 1976 (41 FR 55948 of December 23, 1976), September 1, 1977 (42 FR 44852 of September 7, 1977), February 7, 1978 (43 FR 5902 of February 10, 1978), October 16, 1978 (43 FR 48723 of October 19, 1978), February 14, 1979 (44 FR 10435 of February 20, 1979), May 16, 1979 (44 FR 29740 of May 22, 1979), and September 5, 1979 (44 FR 53112 of September 12, 1979), the Commission identified those chapters which have been considered thus far by the Harmonized System Committee, and the chapters for which a Technical Team draft has been released.

Following its deliberations on the draft chapters, the Harmonized System Committee forwards recommended texts for the chapters to the Nomenclature Committee. The Nomenclature Committee, which supervises the operations of the Convention on Nomenclature for the Classification of Goods in Customs Tariffs and is responsible for ensuring international uniformity in the interpretation and application of the CCCN, reviews the recommended texts for Harmonized System and returns the draft chapters which it has approved to the Harmonized System Committee. The draft chapters which have thusly been provisionally approved by both Committees are then held in abeyance pending final revision sessions. It is anticipated that the Harmonized System Committee will begin final revision sessions early in 1981.

The draft chapters released for public comment today have been provisionally

²³ C.R., p. A-34.

adopted by the Harmonized System Committee and the Nomenclature Committee according to the above described procedure. As further chapters are adopted, the Commission will issue future notices requesting public comment.

In 1971, the Department of the Treasury established an Interagency Advisory Committee on Customs Cooperation Council Matters in order to provide a basis for interested Federal agencies to participate with respect to CCC matters. In order to establish and develop U.S. programs and policies with respect to the Harmonized Code, the interagency committee has instituted procedures which take into account the provisions of section 608 (c) of the Trade Act of 1974, which call for the Commission to contribute to the U.S. technical input to the Harmonized System Committee. Under these procedures the Commission is preparing technical comments and proposals on the various chapters of the Harmonized Code for consideration by the interagency Committee in the determination of U.S. proposals with respect to the Harmonized Code.

In making proposals, the Commission is seeking and taking into consideration the views of trade and industry and other interested parties and of interested Government agencies.

By order of the Commission.

Issued: March 21, 1980.

Kenneth R. Mason,
Secretary.

[FR Doc. 80-9178 Filed 3-25-80; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 79-21]

Fullerton-Kedzie Pharmacy, Inc., Chicago, Ill., Hearing

Notice is hereby given that on October 18, 1979, the Drug Enforcement Administration, Department of Justice, issued to Fullerton-Kedzie Pharmacy, Inc., Chicago, Illinois, an Order To Show Cause as to why Respondent's application for registration under Sections 302 and 303 of the Controlled Substances Act (21 U.S.C. 822 and 823) should not be denied.

Thirty days having elapsed since the said Order To Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at

9:30 a.m. on Wednesday, April 16, 1980, in the Occupational Safety and Health Review Commission Courtroom, Room 1530, 55 East Monroe Street, Chicago, Illinois.

Dated: March 19, 1980.

Peter B. Bensinger,
Administrator Drug Enforcement
Administration.

[FR Doc. 80-9136 Filed 3-25-80; 8:45 am]

BILLING CODE 4410-09-M

Office of Justice Assistance, Research and Statistics

Bureau of Justice Statistics; Competitive Research Solicitation

Bureau of Justice Statistics announces a competitive research solicitation aimed at an analysis of issues involving the Confidentiality of statistical and research data.

The solicitation asks for proposals to be submitted for review in accordance with the criteria set forth in the solicitation. In order to be considered, all proposals must be postmarked no later than April 28, 1980. A grant or cooperative agreement for a 15 month research project is planned, with funding support not to exceed \$200,000.

Copies of the solicitation may be obtained by sending a mailing label to: Carol G. Kaplan, Director, Privacy and Security Staff, Bureau of Justice Statistics, 633 Indiana Avenue, Washington, D.C. 20531.

For questions pertaining to this request for solicitations, contact the Privacy and Security Staff, Bureau of Justice Statistics, 633 Indiana Avenue, N.W., Washington, D.C. 20531, (301) 492-9036.

Dated: March 14, 1980.

Homer F. Broome, Jr.,
Acting Director, Bureau of Justice Statistics.

[FR Doc. 80-9070 Filed 3-24-80; 8:45 am]

BILLING CODE 4410-18-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Advisory Panels; Annual Comprehensive Review

In accordance with Section 7(b) of the Federal Advisory Committee Act (Pub. L. 92-463), the National Endowment for the Arts is currently reviewing each advisory panel to determine:

(a) Whether the panel is carrying out its purpose;

(b) Whether consistent with the provisions of applicable statutes, the responsibilities assigned to it should be revised;

(c) Whether it should be merged with other advisory committees; or

(d) Whether it should be abolished.

Public comments and recommendations concerning the advisory panels to the National Endowment for the Arts may be addressed to Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, (202-634-6070).

Comments should be received by April 15, 1980.

John H. Clark,

Advisory Committee Management Officer,
Director, Office of Council and Panel
Operations, National Endowment for the Arts.
March 18, 1980.

[FR Doc. 80-9225 Filed 3-25-80; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Screening Committee for Lawyer, Members of the Atomic Safety and Licensing Board Panel; Initial Public Meeting

Notice is hereby given in accordance with Section 10 of the Federal Advisory Act that the initial public meeting of the Advisory Screening Committee for Lawyer Members of the Atomic Safety and Licensing Board Panel will be held on Wednesday, April 23, 1980, at 10:00 a.m., at East West Towers, 4350 East West Highway, Room 415, Bethesda, Maryland 20014. Notice of the establishment of this Committee may be found at 45 FR 8393, February 7, 1980.

The Advisory Screening Committee for Lawyer Members of the ASLBP will hear statements from the following persons or NRC offices:

1. John Ahearn, Chairman, USNRC;
2. NRC, Office of Management and Personnel;
3. NRC Office of Equal Opportunity;
4. NRC Office of Federal Women's Program.

The Committee will consider procedures by which it will function. The names and background material of those persons who responded to Vacancy Announcement No. SES-14 B and public notice for the position of Chairman, ASLBP, and Vacancy Announcement No. 80-0039 and public notice for Permanent Lawyer Member, ASLBP, will be presented to the Committee.

Summary minutes of this initial public meeting will be available for public inspection and copying in the NRC Public Document Room, 1717 H Street,

N.W., Washington, D.C. 20555, after June 22, 1980.

For further information contact Charles J. Fitti, Assistant Executive Secretary, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated: March 20, 1980.

Charles J. Fitti,

Assistant Executive Secretary Atomic Safety and Licensing Board Panel.

[FR Doc. 80-9154 Filed 3-25-80; 8:45 am]

BILLING CODE 7590-01-M

Advisory Screening Committee for Technical Members of the Atomic Safety and Licensing Board Panel; Initial Public Meeting

Notice is hereby given in accordance with Section 10 of the Federal Advisory Act that the initial public meeting of the Advisory Screening Committee for Technical Members of the Atomic Safety and Licensing Board Panel will be held on Thursday, May 1, 1980, at 10:00 a.m. at East West Towers, 4350 East West Highway, Room 415, Bethesda, Maryland 20014. Notice of the establishment of this Committee may be found at 45 FR 8393, February 7, 1980.

The Advisory Screening Committee for Technical Members of the ASLBP will hear statements from the following persons or NRC offices:

1. NRC, Office of Management and Personnel;
2. NRC Office of Equal Opportunity;
3. NRC Office of Federal Women's Program.

The Committee will consider procedures by which it will function. The names and background material of those persons who responded to Vacancy Announcement No. 79-124, Permanent Member Technical (Environmental Scientist, ASLBP) will be presented to the Committee.

Summary minutes of this initial public meeting will be available for public inspection and copying in the NRC Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, on or after June 30, 1980.

For further information contact Charles J. Fitti, Assistant Executive Secretary, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated: March 20, 1980.

Charles J. Fitti,

Assistant Executive Secretary, Atomic Safety and Licensing Board Panel.

[FR Doc. 80-9155 Filed 3-25-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-265]

Commonwealth Edison Co., and Iowa-Illinois Gas and Electric Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 51 to Facility Operating License DPR-30 issued to Commonwealth Edison Company and Iowa-Illinois Gas and Electric Company, which revised the Technical Specifications for operation of the Quad Cities Nuclear Power Station, Unit No. 2, located in Rock Island County, Illinois. The amendment becomes effective as of the date of issuance.

This amendment (1) authorizes changes to the plant Technical Specifications which you proposed to support your review of future reloads for Quad Cities Unit 2, under provisions of 10 CFR 50.59 and (2) modifies license condition 3.C. to assure a conservative MCPR operating limit during coastdown operation.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR Section 51.5(d)(4) an environmental impact statement, negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated August 30, 1979, as supplemented October 24, 1979 and March 7, 1980, (2) Amendment No. 51 to License No. DPR-30, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Moline Public Library 504-17th Street, Moline, Illinois, for Quad Cities 1. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 20th day of March 1980.

For the Nuclear Regulatory Commission.
Thomas A. Ippolito, Chief,
Operating Reactors Branch #3, Division of Operating Reactors.

[FR Doc. 80-9156 Filed 3-25-80; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

President's Commission for a National Agenda for the Eighties; Meeting

March 20, 1980.

AGENCY: Office of Management and Budget.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Pub. L. 92-463, notice is hereby given for a meeting of Panel IV (Government and Social Justice) of the President's Commission for a National Agenda for the Eighties, scheduled to be held from 10:00 a.m. to 12:00 p.m. and 1:00 p.m. to 3:00 p.m., April 3, 1980 at 1790 Broadway, New York, New York.

The purpose of the meeting is to discuss health issues affecting quality of health care and national policy.

Because of limited space, those interested in attending are asked to call beforehand. Available seats will be assigned on a first-come basis.

The meeting will be open to the public.

FOR FURTHER INFORMATION CONTACT:

President's Commission for a National Agenda for the Eighties, Office Administration, 744 Jackson Place, Northwest, Washington, D.C. 20006 (202) 275-0616.

David R. Leuthold,

Budget and Management Officer.

[FR Doc. 80-9101 Filed 3-25-80; 8:45 am]

BILLING CODE 3110-01-M

President's Commission for a National Agenda for the Eighties; Meeting

March 20, 1980.

AGENCY: Office of Management and Budget.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Pub. L. 92-463, notice is hereby given for the Executive Steering Committee meeting of the President's Commission for a National Agenda for the Eighties, scheduled to be held from 7:30 p.m. to 9:30 p.m., April 10, 1980, in the offices of the Commission, located 744 Jackson Place, Northwest, Washington, D.C.

The purpose of this meeting will be to prepare an agenda for the full Commission meeting on April 11.

Because of limited space, those interested in attending are asked to call beforehand. Available seats will be assigned on a first-come basis.

The meeting will be open to the public.

FOR FURTHER INFORMATION CONTACT: President's Commission for a National Agenda for the Eighties, Office of Administration, 744 Jackson Place, Northwest, Washington, D.C. 20006 (202) 275-0616.

David R. Leuthold,

Budget and Management Officer.

[FR Doc. 80-9102 Filed 3-25-80; 8:45 am]

BILLING CODE 3110-01-M

President's Commission for a National Agenda for the Eighties; Meeting

March 20, 1980.

AGENCY: Office of Management and Budget.

SUMMARY: Pursuant to Pub. L. 92-463, notice is hereby given for a meeting of Panel III (Science and Technology) of the President's Commission for a National Agenda for the Eighties, scheduled to be held April 10 from 12:30 p.m. to 3:00 p.m. at 744 Jackson Place, Northwest, Washington, D.C.

The purpose of the meeting is to discuss Commission study of issues affecting science and technology.

Because of limited space, those interested in attending are asked to call beforehand. Available seats will be assigned on a first-come basis.

The meeting will be open to the public.

FOR FURTHER INFORMATION CONTACT: President's Commission for a National Agenda for the Eighties, Office of Administration, 744 Jackson Place, Northwest, Washington, D.C. 20006 (202) 275-0616.

David R. Leuthold,

Budget and Management Officer.

[FR Doc. 80-9103 Filed 3-25-80; 8:45 am]

BILLING CODE 3110-01-M

President's Commission for a National Agenda for the Eighties; Meeting

March 20, 1980.

AGENCY: Office of Management and Budget.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Pub. L. 92-463, notice is hereby given for the fourth meeting of the President's Commission for a National Agenda for the Eighties is scheduled to be held from 9:30 a.m. to 12:00 p.m. on April 11, 1980, in the

Amphitheatre, 2nd floor, East, Federal Home Loan Bank Board Building, 17th and G Streets, Northwest, Washington, D.C.

The purpose of the meeting is to review progress of the Commission's work to date and discuss Commission studies to be completed.

Because of limited space, those interested in attending are asked to call the Commission's office beforehand. Available seats will be assigned on a first-come basis.

The meeting will be open to the public.

FOR FURTHER INFORMATION CONTACT:

President's Commission for a National Agenda for the Eighties, Office of Administration, 744 Jackson Place, Northwest, Washington, D.C. 20006 (202) 275-0616.

David R. Leuthold,

Budget and Management Officer.

[FR Doc. 80-9104 Filed 3-25-80; 8:45 am]

BILLING CODE 3110-01-M

President's Commission for a National Agenda for the Eighties; Meeting

March 20, 1980.

AGENCY: Office of Management and Budget.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Pub. L. 92-463, notice is hereby given for a meeting of Panel III (Science and Technology) of the President's Commission for a National Agenda for the Eighties, scheduled for 1:00 p.m. to 3:00 p.m. in the offices of the Commission, located 744 Jackson Place, Northwest, Washington, D.C., April 11, 1980.

The purpose of the meeting is to discuss Commission study of issues affecting science and technology.

Because of limited space, those interested in attending are asked to call beforehand. Available seats will be assigned on a first-come basis.

The meeting will be open to the public.

FOR FURTHER INFORMATION CONTACT:

President's Commission for a National Agenda for the Eighties, Office of Administration, 744 Jackson Place, Northwest, Washington, D.C. (202) 275-0616.

David R. Leuthold,

Budget and Management Officer.

[FR Doc. 80-9105 Filed 3-25-80; 8:45 am]

BILLING CODE 3110-01-M

OFFICE OF THE U.S. TRADE REPRESENTATIVE

Filing Charters for Advisory Committees for Services and International Steel Policy

On March 4, 1980, the U.S. Trade Representative gave notice in the Federal Register (45 FR 14173) of the intention to establish a Services Policy Advisory Committee and an International Steel Policy Advisory Committee. This announcement is to certify that the creation of these advisory committees is in the public interest in connection with the performance of duties imposed on the United States Trade Representative (USTR) by law. These committees will provide policy and technical advice to the USTR, the Secretary of Commerce, the Secretary of Agriculture, and the Secretary of Labor, on matters arising in connection with the administration of U.S. trade policy.

These committees are being created pursuant to the authority of the President under Section 135(c)(1) of the Trade Act of 1974 (19 U.S.C. 2155(c)(1)), as amended, as delegated to the USTR under Section 4(d) of Executive Order No. 11846, March 27, 1975 (3 CFR Part 971). The charters are filed with the parties specified in the Federal Advisory Committee Act (5 U.S.C., App. I, Section 9(c)). Individuals interested in further information or who wish to be considered for appointment to the committees should contact:

Ms. Phyllis O. Bonanno, Director, Office of Private Sector Liaison, 1800 G Street NW., room 725, Washington, D.C. 20506 (202) 395-6120.

Robert C. Cassidy, Jr.,

General Counsel.

[FR Doc. 80-9152 Filed 3-25-80; 8:45 am]

BILLING CODE 3190-01-M

POSTAL RATE COMMISSION

Notice of Visits

March 21, 1980.

Notice is hereby given that the Officer of the Commission (OOC) and members of his staff will visit the facility of Time, Inc., in Chicago, IL, on March 24 for the purpose of acquiring general knowledge of magazine mailing and subscription fulfillment.

The OOC and staff members visited the facility of Mailman, Inc., in Hauppauge, L.I., N.Y., on March 18 for an orientation on third-class mail operations.

Reports of the visits will be filed in the Commission's Docket Room.

David F. Harris,
Secretary.

[FR Doc. 80-9110 Filed 3-25-80; 8:45 am]
BILLING CODE 7715-01-M

PRESIDENT'S COMMISSION ON PENSION POLICY

Report of Staff Contacts

The President's Commission on Pension Policy has directed its staff to maintain and publish for the public record a listing of contacts of a substantive nature made with individuals, organizations, and groups interested in the activities of the Commission.

The following is the staff report of such contacts for the month of February. Representatives of senior citizens' organizations (AARP, NCOA, Gray Panthers, Citizens' Commission on Pension Policy)

Representatives of State and local organizations (NCSL, NGA, State Retirement Plan Administrators, NACO, AFSME, Academy for Contemporary Studies)

Paul Wachtel, New York University
Marilyn Y. Brown and Ted Lilly,
Financial Analysts Federation
Bill Smith and Tom Bleakney,
Milliman & Robertson

Robert Beck, Ken Oboz and Steve
Braswell, Prudential

Robert Scheerschmidt, Xerox Corp.
Terry Kendell, Commonwealth
Research

Stephen Caulfield, Government
Research Corp.

John Sullivan, *National Journal*
Larry Kotlikoff, National Bureau of
Economic Research

Elizabeth Nachbauer, Bank of
America

Jim Storey and Margaret Boeckman,
Urban Institute

Irene Powell, University of Wisconsin
George Bishop, National Council of
Life Insurance

David Richman, Connecticut General
Thea Marshall, ELI Corp.

Steve Pastore, *Bankers Magazine*
Michel Guay, Hay Associates

Representatives of the National
Technical Information Service

Retirement Benefits Committee of the
U.S. Chamber of Commerce

Institute on Federal Taxation, N.Y.
University

Military Retirement System
Administrators

Chicago Actuaries' Club
A. DiPietro, Department of Treasury

Gene Carter, Social Security
Administration

Edith Fierst, Interagency Task Force
on Women

D. Hough, Council on Wage and Price
Stability

Ed Fu, Department of Labor

Dave Mathieson and Mary Barth,
Office of Management and Budget

Marty Kendrick, Department of
Health and Human Services

Perry Confalone, Representative
McKay's Office

Phyllis Rovine, Representative Key's
Office

Bill Kelly, Subcommittee on Social
Security, House Ways and Means
Committee

Signed at Washington, D.C., this 20th day
of March 1980.

Thomas C. Woodruff,
Executive Director.

[FR Doc. 80-9137 Filed 3-25-80; 8:45 am]
BILLING CODE 6820-99-M

SELECT COMMISSION ON IMMIGRATION AND REFUGEE POLICY

Open Meeting; May 7, 1980

March 20, 1980.

The Select Commission on Immigration and Refugee Policy will hold its fourth meeting on:

Date: May 7, 1980.

Time: 9:00 a.m. to 10:00 a.m.

Place: U.S. Senate, Room 2228, Washington,
D.C.

(The May 7th meeting replaces the April 9, 1980 Commission meeting which had to be postponed due to the Congressional recess.)

Included on the agenda will be organizational and business matters. The meeting is open to the public.

Written statements may be filed with the Commission before or after the meeting.

The Select Commission on Immigration and Refugee Policy was created by Pub. L. 95-412, signed October 5, 1978. The Commission is charged with a comprehensive review of U.S. immigration laws, policies, and procedures. Membership of the Commission includes four Cabinet members, four members of the House Commission on the Judiciary, four members of the Senate Judiciary Committee, and four members appointed by the President, including the Reverend Theodore M. Hesburgh, President, University of Notre Dame and Chairman of the Select Commission.

Address inquiries to: Select Commission on Immigration and Refugee Policy, New Executive Office Building, Suite 2020, 726 Jackson Place,

N.W., Washington, D.C. 20506,
Telephone (202) 395-5615.

Lawrence H. Fuchs,
Executive Director.

[FR Doc. 80-9202 Filed 3-25-80; 8:45 am]
BILLING CODE 6820-AR-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-16676 File No. SR-NYSE-79-45, Amendment No.1]

New York Stock Exchange, Inc.; Proposed Rule Change; Self-Regulatory Organizations Relating To Responses to the Recommendations of the Special Study of the Options Markets as Promulgated by the Securities and Exchange Commission in Release 34-15575

Comments requests on or before April 16, 1980.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on March 10 1980, the New York Stock Exchange, Inc. ("NYSE") filed with the Securities and Exchange Commission amendments to the proposed rule change SR-NYSE-79-45¹ attached as Exhibit I-A which have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

Self-Regulatory Organization's Statement of Terms of Substance of the Proposed Rule Changes

The following is a summary of the rule changes proposed by NYSE. In certain instances, proposed revisions relate to amendments previously filed by the NYSE (SR-NYSE-79-45). In other instances, revisions to existing rules are proposed in this filing for the first time. The text of the proposed rule changes and the revised implementation scheduled is attached as Exhibit I-A to this notice.

Rule 721. Proposed Supplementary Material .10(d) has been amended to require customer account records to indicate whether the accounts have been approved for discretionary trading.

Rule 722. This Rule is proposed to be amended to require members to develop and implement a written program under the supervision of the Senior ROP for review of customer accounts and options orders in such accounts.

¹ Notice of filing of the proposed rule change was given by publication of a Commission release Securities Exchange Act Release No. 16359, (November 21, 1979) and by publication in the Federal Register (44 FR 69388, December 3, 1979).

Additionally, supplementary material is proposed to be added to require each member firm to maintain, at the principal supervisory office having jurisdiction over the office servicing the customer's account, sufficient information to permit a timely review of each customer's options account to determine that options transactions are compatible with customer objectives and the terms of the account's approval, the size and frequency of options transactions, commission activity in the account, profit or loss in the account, undue concentration in any options class or classes, and compliance with FRB Regulation T.

Rule 730. This Rule is proposed to be amended to require customer account statements to disclose any special account charges that are not itemized and disclosed on confirmations. The proposed revision would also require disclosure on margin account statements sent to options customers of the mark-to-market and market value of each security position in the account, the outstanding balance in the account and account equity. Under the proposed rule, these statements must also contain a legend indicating that further information concerning options commissions and similar execution charges will be provided on request. New Supplementary Material is proposed which would prescribe the manner of calculating margin account equity.

Rule 791. This Rule is proposed to be amended to clarify that these standards apply to communications to a single individual as well as to the general public. Supplementary material .10 is proposed to be amended to require prescribed disclosures in advertising and sales literature. Supplementary material .30 is proposed to be amended to provide that sales literature must state that supporting documentation will be supplied on request. Subparagraph C of Supplementary Material .30 is proposed to be revised to permit balanced representations regarding past performance that pertain to the firm as a whole. The use of summaries or averaged past performance records is proposed to be permitted without the disclosure of detailed supporting data if certain basic information is disclosed along with an offer to provide complete documentation. Finally, subparagraph F of .30 is proposed to be revised to prohibit the use of nonstandard worksheets for a particular options strategy where a standard worksheet has been adopted.

Self-Regulatory Organization's Statement of Purpose of and Statutory Basis for Proposed Rule Changes

This amendment to the original filing (NYSE-79-45) is for the purpose of proposing rule amendments in response to certain recommendations of the Special Study of the Options Markets that were not addressed in the original filing, as well as proposing certain editorial and minor substantive amendments to previously filed proposals.

The statutory basis for all of these proposed rule changes remains as stated in the original filings. The purpose of each of the substantive proposed rule changes included in this filing is as follows:

Rule 721. The minimum information that must be reflected in customer's accounts records has been expanded to include whether the account is approved for discretionary orders.

Rule 722. Options Study Recommendation I.A.2.e. calls for the adoption of rules requiring that the headquarters office of every options broker-dealer be in a position to perform a timely review of each customer's account to determine the extent of commissions and realized and unrealized losses relative to account equity, the existence of unusual credit extensions and unusual account risks or trading patterns.

In addition to requiring the development and implementation of written supervisory procedures, Rule 722 is proposed to be revised to impose in explicit terms the obligation for firms to develop and implement headquarters account review procedures, and to impose record-keeping requirements to facilitate such review. Recognizing the decentralized supervisory structure which many large securities firms have adopted, the proposed amendment is keyed to review by the "principal supervisory office having jurisdiction over the office supervising the customer's account."

Rule 730. In response to Option Study Recommendation I.A.2.a., we propose to revise Rule 730 to expand the information which member organizations must disclose in the statement sent to customers having a general (margin) account. By limiting this requirement to margin accounts, the information will be furnished to most options customers without imposing undue burdens on member firms. The proposal will require that statements of margin accounts sent to such customers reflect the mark-to-market price and market value for all security positions in the account, the total of market value of

all positions in the account, the debit (or credit) balance, and account equity. We have defined general (margin) account equity in proposed Supplementary Material .10 to Rule 730 as the difference between the total of long security values, including any credit balance, and the total of short security values, including any debit balance.

Finally, we propose to require a legend on account statements to the effect that information concerning commissions and other charges has been included in confirmations and will be furnished to customers upon request.

Rule 791. The proposal rule amendments as previously filed regarding customer communications have been modified in certain respects. First, the general rule regarding customer communication in paragraph (a) of the Rule has been clarified to apply to communications with an individual customer or member of the public. Also, the applicability of the various standards of the rule to different categories of communications (advertising, sales literature and other communications) has been further clarified to emphasize that representations concerning past performance must be made in a balanced manner and must pertain to the member organization as a whole. Representations concerning the past performance of a particular registered representative are, thus, prohibited. We have also added specific requirements concerning the furnishing of supporting detail whenever statements involving past performance are made. Finally, a new requirement has been added to Supplementary Material .20 to Rule 791 barring the use of non-standard options worksheets where a member organization has adopted a standard form of worksheet for a particular options strategy.

Self-Regulatory Organization's Statement on Comments Received From Members, Participants, or Others on Proposed Rule Changes

Comments on rule changes previously proposed were summarized in the Exchange's prior filing SR-NYSE-79-45. Editorial revisions to those proposals reflected herein were not submitted to members for comments. Comments on proposed rule changes presented herein for the first time were solicited in response to a preliminary draft of the proposals that was mailed to members firms. A large number of detailed comments were received in response to this mailing. Additionally, the Exchange believed it appropriate to solicit comments on the revised draft of the rules changes presented herein for the

first time, and on January 15, 1980 sent copies of the final SRO Task Force Rules to all Members, Member Organizations and other interested parties (Information Memo 80-3). The following is a summary of comments that are relevant to the proposed rule changes in their present form.

Rule 722. The requirement that each principal supervisory office be in a position to make certain determinations with respect to options customers' accounts was generally supported in members' comments. Several commentators indicated that the proposed Supplementary Material is consistent with existing review programs. However, certain commentators criticized the cost of the proposal and sought more detailed standards for the inquiries required by the provision. One commentator felt that a conflict of interest would exist where a Senior Registered Options Principal performed both sales and compliance functions.

Rule 730. The proposals involving changes in customer account statements generated by far the greatest volume of member comments. However, most of the comments were directed toward the items which are not included in the proposal as filed (e.g., disclosure regarding total commissions and aggregate account profit or loss). Most commentators opposed including information on the account statement that is already stated on confirmations. Members also criticized the mark-to-the-market requirement on the grounds that current prices may be unavailable in certain instances and, in any event, will be out of date by the time the statement is received. Small and medium-sized firms criticized the cost involved with putting the proposed account statement requirement into effect.

Rule 791. One commentator indicated that the level of documentation required is excessive and nerous and would make it extremely difficult for any organization to issue options related sales material. Another commentator indicated that the required cautionary statement is unreasonable for discount brokers whose business is unsolicited.

Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the rule changes proposed in this Amendment No. 1 to File No. SR-NYSE-79-45 will impose any burdens on competition.

Date of Effectiveness of Proposed Rule Change and Timing for Commission Action

On or before April 30, 1980, or within such period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the NYSE consents, the Commission will:

(A) By order approve such proposed rule changes, or

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six (6) copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of U.S.C. Section 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 "L" Street, N.W., Washington, D.C. Copies of such filings will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 16, 1980.

For the Commission by the Division of Market Regulation, pursuant to delegated Authority.

George A. Fitzsimmons,

Secretary.

March 18, 1980.

Exhibit I-A

Language deleted from previous filing in [brackets]. Language added to previous filing *italicized*.

721

Opening of Accounts

* * * Supplementary Material:

10 In fulfilling its obligations pursuant to paragraph (b) of this Rule with respect to options customers who are natural persons, a member organization shall seek to obtain the following information at a minimum

(information shall be obtained for all participants in a joint account).

* * *

In addition, the customer's account records shall contain the following information, if applicable:

* * *

d. *Nature and types of transactions for which account is approved (e.g., buying, covered writing, uncovered writing, spreading, discretionary transactions)*

* * *

722

Supervision of Accounts

Rule 722 (a) Duty to Supervise; Senior Registered Options Principal—[In addition to the requirements of Rule 405,] Every member organization shall [provide for the diligent supervision by] *develop and implement a written program for the review of the organization's non-member customer accounts and all orders in such accounts, insofar as such accounts and orders relate to option contracts. This program shall be under the supervision of a general partner or officer of the member organization who is a Registered Options Principal and who has been specifically identified to the Exchange as the member organization's Senior Registered Options Principal [of all its customer accounts, and all orders in such accounts, to the extent such accounts and orders related to option contracts].*

20 *Each member organization shall maintain, at the principal supervisory office having jurisdiction over the office servicing the customer's account, information to permit review of each customer's options account, on a timely basis to determine (i) the compatibility of options transactions with investment objectives and with the types of transactions for which the account was approved; (ii) the size and frequency of options transactions; (iii) commission activity in the account; (iv) profit or loss in the account; (v) undue concentration in any options class or classes, and (vi) compliance with the provisions of Regulation T of the Federal Reserve Board.*

730

Statement of Accounts

Rule 730 In addition to the statements of account required by Rule 409, statements shall be sent not less frequently than once every month to each customer in whose account there has been an entry during the preceding month with respect to an option contract *showing security and money positions,*

entries, interest charges and any special charges that may have been assessed against such account during the period covered by the statement; provided, however, that such charges need not be specifically delineated on the statement if they are otherwise accounted for on the statement and have been itemized on transaction confirmations. With respect to options customers having a general (margin) account, such statement shall also provide the market-to-market price and market value of each option position and other security positions in the general (margin) account, the total market value of all positions in the account, the outstanding debit or credit balance in the account, and the general (margin) account equity. The statement shall bear a legend stating that further information with respect to commissions and other charges related to the execution of listed option transactions has been included in confirmations of such transactions previously furnished to the customer, and that such information will be made available to the customer promptly upon request. The statement shall also bear a legend requesting the customer to promptly advise the member or member organization of any material change in the customer's investment objectives or financial situation.

* * * **Supplementary Material**

.10 For purposes of the foregoing rule, general (margin) account equity shall be computed by subtracting the total of the "short" security values and any debit balance from the total of the "long" security values and any credit balance.

* * * **Rule 791**

Communications to Customers

General Rule—No member, member organization, allied member or employee shall utilize any advertisement, sales literature or other communications to any customer[s] or member of the public concerning options:

* * * **Supplementary Material**

.10 The special risks attendant to options transactions and the complexities of certain options investment strategies shall be reflected in any advertisement or sales literature [communication] which discusses the uses or advantages of options. All advertisements and sales literature discussing the use of options should include a warning to the effect that options are not for everyone. In the preparation of written communications

respecting options, the following guidelines should be observed:

B. It should not be suggested that options are suitable for all investors. [All communications discussing the use of options should include a warning to the effect that options are not for everyone.]

.30 Written communications (other than advertisements) pertaining to options shall conform to the following standards:

A. [Such communications] Sales literature shall state that supporting documentation for any claims (including any claims made on behalf of options programs or the options expertise of sales persons), comparisons, recommendations, statistics or other technical data, will be supplied upon request.

C. Such communications may feature records and statistics which portray the performance of past recommendations or of actual transactions of the member organization (but not of an individual Registered Representative), Provided that:

(i) Any such portrayal is done in a balanced manner, and consists of records or statistics that are [must be] confined to a specific "universe" than can be fully isolated and circumscribed and that covers at least the most recent 12-month period;

(ii) Such communications include [or offer to provide] the date of each initial recommendation or transaction, the price of each such recommendation or transaction as of such date, and the date and price of each recommendation or transaction at the end of the period or when liquidation was suggested or effected, whichever was earlier; provided that if the communications are limited to summarized or averaged records or statistics, in lieu of the complete record there may be included the number of items recommended or transacted, the number that advanced and the number that declined, together with an offer to provide the complete record upon request;

[(iv) in the event such records or statistics are summarized or averaged, such communications include the number of items recommended or transacted, the number that advanced and the number that declined;]

[Renumber (v)-(vii) as (iv)-(vi).]

F. If a member organization has adopted a standard form of worksheet for a particular options strategy, non-

standard worksheets for that strategy may not be used.

[Renumber paragraph F as paragraph G.]

Proposed Effectiveness Timetable *

NYSE rule	No. of days following Commission approval ¹
721 (b) ²	30 days.
721 (c) ²	30 days for initial verification. 60 days for subsequent verification.
730.....	180 days.
723.....	30 days.
722 (a).....	30 days.
722 (b).....	90 days.
722 (c).....	90 days.
351.....	30 days.
477.....	Immediately.
791 (a).....	Immediately.
791 (b).....	90 days.
791 (c), (d) and (e).....	Immediately.
781 (a).....	60 days.
781 (b).....	Immediately.
781 (c).....	60 days.
722 (d).....	90 days.
724 (a).....	60 days.

* This timetable response to the Options Study Recommendations only. All other rules contained in this filing will become effective immediately upon approval.

¹ The Exchange may grant members additional time to comply with certain of these rules on a case-by-case basis, but no extension of time will be granted for more than 6 months after the effectiveness of the rule in question as stated in this table. In granting or denying requests for extensions of time, the exchange will act jointly with other self-regulatory organizations that have comparable rules insofar as the requesting parties are members of the Exchange and such other SROs.

² Within 12 months following their effectiveness as stated in this table, Rule 721(b) and (c) must be complied with in respect of customers' accounts that were approved for options transactions prior to the effectiveness of these rules in order for those accounts to remain so approved.

[FR Doc. 80-9116 Filed 3-25-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 16681; SR-NYSE-80-6]

New York Stock Exchange, Inc.; Filing of Proposed Rule Change and Order Approving Proposed Rule Change

March 20, 1980.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act"), notice is hereby given that on February 27, 1980, the New York Stock Exchange, Inc. ("NYSE"), 11 Wall Street, New York, New York 10005 filed with the Commission copies of a proposed rule change which would modify NYSE Rule 123A.32, to require that specialists make a more timely response to members' inquiries regarding the status of orders left with them for execution. In responding to inquiries, specialists would be able to use the Exchange's pneumatic tube system.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days from the date of this publication. Persons desiring to make written comment should file six copies thereof with the Secretary of the

Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-NYSE-80-6.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and of all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and in particular, the requirements of Section 6 and subsection (b)(5) thereof relating to the facilitation of transactions in securities, and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof. Immediate implementation of the proposed rule change will promote greater efficiency in the handling and execution of orders, which is particularly appropriate in light of the recent increase in trading volume on the NYSE.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 80-9115 Filed 3-25-80; 8:45 am]
BILLING CODE 8010-01-M

Advisory Committee on Oil and Gas Accounting; Meeting

AGENCY: Securities and Exchange Commission.

ACTION: Notice of meeting of the Securities and Exchange Commission Advisory Committee on Oil and Gas Accounting.

SUMMARY: A meeting of the Securities and Exchange Commission Advisory Committee on Oil and Gas Accounting will be held on Tuesday, April 29, 1980, at the Commission's headquarters in

Washington, D.C., beginning at 9:30 a.m., and will be open to the public.

FOR FURTHER INFORMATION CONTACT: James L. Russell, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 (202-272-2133).

SUPPLEMENTARY INFORMATION: The next meeting of the Securities and Exchange Commission Advisory Committee on Oil and Gas Accounting has been scheduled to be held in Room 776 of the Commission's headquarters office at 500 North Capitol Street, Washington, D.C. on Tuesday, April 29, 1980, beginning at 9:30 a.m. The summarized agenda for the meeting is as follows: Discussion of committee activities; status of staff review of 1979 disclosures; and a report on a recent study of reserve estimate variability.

George A. Fitzsimmons,
Secretary.

March 18, 1980.

[FR Doc. 80-9117 Filed 3-25-80; 8:45 am]
BILLING CODE 8010-01-M

[Rel. No. 21479; 70-6421]

American Electric Power Co., Inc.; Proposed Charter Amendment To Increase Authorized Common Stock; Order Authorizing Solicitation of Proxies in Connection Therewith

March 19, 1980.

Notice is hereby given that American Electric Power Company, Inc. ("AEP") 2 Broadway, New York, New York 10004, a registered holding company, has filed with this Commission a declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7 and 12(e) of the Act and Rules 62 and 65 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the amended declaration, which is summarized below, for a complete statement of the proposed transaction.

AEP proposes to amend its restated Articles of Incorporation ("Charter"), as heretofore amended, to increase its authorized common stock, par value \$6.50 per share, from 150,000,000 shares to 175,000,000 shares. As of December 31, 1979, AEP had 121,340,747 common shares outstanding. The proposed Charter amendment will be submitted to its shareholders at its annual meeting scheduled to be held on April 23, 1980. AEP proposes to solicit proxies from its shareholders, through the use of proposed soliciting material, to obtain the required approval of the proposed Charter amendment, to elect directors and to select auditors. An affirmative

vote of the holders of a majority of the outstanding shares of common stock issued and entitled to vote at the annual meeting is required for adoption of the amendment.

It is stated that the proposed increase in authorized shares is necessary to meet AEP's requirements for new capital and other corporate purposes. The current estimated costs of the construction program for the AEP system for 1980 and 1981 is approximately \$1,900,000,000. It is estimated that AEP will have to invest approximately \$400,000,000 in the equity of its subsidiaries during the same period, a substantial part of which may ultimately have to be obtained by AEP through the issuance and sale of additional shares of its common stock. In addition, this Commission authorized AEP to acquire by tender offer the common stock of Columbus and Southern Electric Company ("CSOE") by order dated February 13, 1980 (HCAR No. 21433), on the basis of 1.3 common shares of AEP for each share of CSOE. CSOE had outstanding 16,345,951 common shares as of December 31, 1979; successful consummation of the tender offer would thus require the issuance of approximately 21,250,000 common shares of AEP.

The fees and expenses to be incurred in connection with the proposed transaction are estimated at \$508,000, including transfer agent fees of \$330,000, printing expenses of \$88,000 and New York state fees and taxes of \$81,280. It is stated that no state commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may not later than April 15, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the

Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing that the declaration, as amended, insofar as it proposes the solicitation of proxies from AEP's stockholders, should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered, pursuant to Rule 62, that the declaration, as amended, regarding the proposed solicitation of proxies be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule 24 promulgated under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[FR Doc. 80-9121 Filed 3-25-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 16669; SR-AMEX-80-4]

American Stock Exchange, Inc., Order Approving Proposed Rule Change

March 17, 1980.

On February 25, 1980, the American Stock Exchange, Inc. ("Amex") 86 Trinity Place, Inc., New York, NY 10006, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and Rule 19b-4 thereunder, copies of a proposed rule change which amends Rule 184(a) to remove the restrictions on the number of clerks an Amex specialist or specialist unit may employ and authorizes specialists to employ whatever number of clerks the Amex regards as reasonable in view of the anticipated volume in the specialists' registered securities.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act No. 34-16620 (Feb. 27, 1980), 19 SEC Docket 761 (March 11, 1980)) and by publication in the *Federal Register* (45 FR 14729 (March 6, 1980)). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and in particular, the

requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 80-9122 Filed 3-25-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 16671; SR-BSE-80-1]

Boston Stock Exchange, Inc.; Order Approving Proposed Rule Change

March 17, 1980.

On February 13, 1980, the Boston Stock Exchange, Incorporated ("BSE") 53 State Street, Boston, MA 02109 filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and Rules 19b-4 thereunder, copies of a proposed rule change which adopts a set of rules that would conform its rules on arbitration¹ to the Uniform Code of Arbitration ("Code")² which was drafted by the Securities Industry Conference on Arbitration ("SICA")³ and which provides arbitration procedures for the settlement of disputes arising between customers and broker-dealers. The proposal deletes or amends the existing BSE arbitration rules and adopts the entire Code as new Article XXXII of the Rules of the BSE Board of Governors. The proposal incorporates the simplified arbitration procedures that were drafted by the SICA regarding small claims not

¹For the BSE's former arbitration rules, see BSE Constitution, Article IX, BSE Manual (CCH) §§ 1201-1203, at pages 1060-1061.

²The Code was published on December 28, 1979, as the *Second Report of the Securities Industry Conference on Arbitration to the Securities and Exchange Commission*.

³The SICA was organized on April 5, 1977, pursuant to the Commission's stated position that there was a need to implement a nationwide investor dispute resolution system. See Securities Exchange Act Release No. 12528 (June 9, 1976), 9 SEC Docket 833 (June 23, 1976), 41 FR 23803 (June 11, 1976); Securities Exchange Act Release No. 13470 (April 26, 1977), 12 SEC Docket 186 (May 10, 1977), 42 FR 23892 (May 11, 1977). The SIC members consist of: the American Stock Exchange, Inc.; the Boston Stock Exchange, Incorporated; the Chicago Board Options Exchange, Incorporated; the Cincinnati Stock Exchange; the Midwest Stock Exchange, Incorporated; the Municipal Securities Rulemaking Board; the National Association of Securities Dealers, Inc.; the New York Stock Exchange, Inc.; the Pacific Stock Exchange, Incorporated; the Philadelphia Stock Exchange, Inc., as well as the Securities Industry Association and three public representatives.

exceeding \$2,500.⁴ Additionally, the new arbitration rules will apply to claims between BSE members as well as to claims against members raised by customers and non-members.⁵

The purpose of this proposal is to provide investors with a simple and inexpensive procedure for resolution of their controversies with broker-dealers who are members of the BSE. Further, the proposal anticipates that the Code will be adopted by other self-regulatory organizations thereby providing a uniform system of arbitration throughout the securities industry.⁶

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by issuance of a Commission Release (Securities Exchange Act Release No. 16610 (Feb. 27, 1980), and by publication in the *Federal Register* 45 FR 14729 (March 6, 1980). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to securities exchanges and, in particular, the requirements of Section 6(b)(5) of the Act that the rules of an exchange be designed to promote just and equitable principles of trade.⁷

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

⁴See (new) Rules of the BSE Board of Governors, Chapter XXXII, Section 2.

⁵See (new) Article IX, Section 3(a) of the BSE Constitution and (new) Chapter XXXII, Section 32, of the Rules of the BSE Board of Governors.

⁶The Code has already been adopted by: the New York Stock Exchange, Inc. (Securities Exchange Act Release No. 16290 (November 30, 1979), 18 SEC Docket 1197 (December 18, 1979)); the Cincinnati Stock Exchange (Release No. 16472 (January 22, 1980), 45 FR 2722 (January 14, 1980)); the American Stock Exchange, Inc. (Release No. 16502 (January 16, 1980), 19 SEC Docket 326 (Jan. 29, 1980), 45 FR 5863 (January 24, 1980)); the Midwest Stock Exchange, Incorporated (Release No. 16503 (January 16, 1980), 19 SEC Docket 327 (January 29, 1980), 45 FR 5860 (January 24, 1980)); the Municipal Securities Rulemaking Board (Release No. 16606 (February 13, 1980), 19 SEC Docket 573 (February 26, 1980), 45 FR 11291 (February 20, 1980)); and the Chicago Board Options Exchange Incorporated (Release No. 16606 (February 25, 1980), 19 SEC Docket 759 (March 11, 1980), 45 FR 15352 (March 10, 1980)).

⁷The Commission emphasizes, however, that notwithstanding the proposed rule change, arbitration clauses contained in customers' agreements that purport to bind customers to arbitrate all future disputes raising claims under the federal securities laws cannot be enforced against those customers who choose to obtain a judicial determination of such claims. See Securities Exchange Act Release No. 15984 (July 2, 1979), 17 SEC Docket 1167 (July 17, 1979), 44 FR 40462 (July 10, 1979).

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 80-9118 Filed 3-25-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21480; 70-6397]

Ohio Power Co.; Proposed Sale and Leaseback of River Transportation Headquarters and Repair Facility

March 19, 1980.

Notice is hereby given that Ohio Power Company ("Ohio, Power") 301 Cleveland Avenue, SW., Canton, Ohio 44701, an electric utility subsidiary of American Electric Power Company, Inc. ("AEP"), a registered holding company, has filed with this Commission an application and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 9 and 10 of the Act as applicable to the proposed transactions. All interested persons are referred to the amended application, which is summarized below, for a complete statement of the proposed transactions.

Franklin Real Estate Company ("Franklin"), a real estate subsidiary of AEP, has caused the construction of a river transportation headquarters and repair facility ("Facility"), completed in 1977 on the northeastern bank of the Ohio River near Lakin, West Virginia, with funds furnished by Ohio Power. The Facility replaced a smaller AEP system river transportation operating headquarters and maintenance facilities, constructed in 1958, which were located on the Kanawha River at Cedar Grove, West Virginia. The Cedar Grove facilities were felt to be inadequate to handle the AEP system's expanded towing fleet for coal transportation, which fleet was augmented by the acquisition of 11 towboats and 248 river barges in 1973 and of 16 towboats and 260 river barges in 1976 and 1977. The Facility is designed to handle the increased supervision, operating personnel, maintenance and storeroom requirements of the expanded river transportation system.

It is proposed that Franklin sell the Facility to Mosley Associates Limited Partnership ("Mosley"), and that Franklin lease to Mosley the surface land thereunder. Mosley will then immediately lease the Facility and sublease the surface land thereunder to Ohio Power. The principal components of the Facility to be sold and leased back include the following: a shore based service building and related

equipment; a water supply and fire protection system; roadways and parking area; piling dock cells, including mooring rings and hardware; two access bridges to the dock facilities; a floating service building and related equipment; a 2,000 ton floating dry dock; a 50 ton barge-mounted floating derrick; a tug-converted towboat; and a fender barge.

The surface land underlying the Facility (two tracts comprising approximately 14.71 acres) and certain easements relating thereto ("Land and Easements") would be leased by Franklin to Mosley pursuant to a net ground lease ("Ground Lease") for a primary term of 25 years, with up to four 5-year extended terms at lessee's option, at a basic annual rent of \$30,000 per year, payable quarterly. The Facility would be sold by Franklin to Mosley for a price of \$4,100,000. The original cost of the Facility (exclusive of the Land and Easements) was approximately \$3,661,000. The proceeds of the sale will be used by Franklin to repay Ohio Power for funds advanced for construction and other costs.

The Facility and Land and Easements would then be respectively leased and subleased by Mosley to Ohio Power pursuant to a Lease and Sublease Agreement for a primary term of 25 years, with up to four 5-year extended terms at lessee's option. There would be an initial term from the closing date to the end of the calendar quarter in which the closing occurs at a rent of \$1,167.36 per day (based on a purchase price of \$4,100,000 for the Facility). The basic annual rental during the primary term, payable quarterly in arrears, would be an annual constant amount equal to the following applicable percentage of the purchase price of the Facility: 5.966% for years one through five; 10.43% for years six through ten; 12.36% for years eleven through fifteen; and 13.11% for years sixteen through twenty-five. On a present value basis, the implicit annual equivalent interest cost to Ohio Power of its rental payments during the 25 year primary term is approximately 8.31%.

Under the Lease and Sublease Agreement the lessee will retain any investment tax credit. If the lessee exercises any option to extend, the rent will be the annual fair rental value as of the date of commencement of the extended term, payable quarterly, except that the annual rental during the first 5-year extended term will not exceed 11.37% of the purchase price of the Facility. If the lessee exercises its option for such first extended term, lessor may require lessee to prepay a certain portion of such five years rent. The lease will be a net lease, under

which Ohio Power will also be responsible for the performance of all obligations of Mosley under the Ground Lease. Ohio Power may, at the end of the primary term or any extended term, purchase the Facility and Mosley's leasehold estate under the Ground Lease at a price equal to their fair market value, except that if such option is exercised at the end of the primary term, the minimum price would be 15% of the Lessor's cost of the Facility. The Lease and Sublease Agreement also contains provisions related to termination by reason of uneconomical use, defaults and other matters.

Approximately 95% of the purchase price of the Facility will be loaned to Mosley by Bankers Life Company, whose loan will be secured by a deed of trust encumbering the interests of Mosley in the Facility and in the leases.

It is stated that since the Facility and underlying land provide essential support for barge coal deliveries to AEP system plants to which coal deliveries are made in part or completely by barge, the lease costs will be allocated to the AEP system operating companies which benefit from such operations. The costs of operating the Facility, including leasing charges, will be allocated in proportion to the direct costs of barging movements (mainly the costs of leasing, operating, and maintaining the river towboats and barges used in specific coal deliveries). Ohio Power consents to a reservation of jurisdiction with respect to the accounting for and allocation of transportation charges to its affiliates in connection with the Facility.

The fees and expenses to be incurred in connection with the proposed transactions will be supplied by amendment. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may not later than April 15, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date

the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 80-9120 Filed 3-25-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 16668; SR-PHLX-79-11]

**Philadelphia Stock Exchange, Inc.;
Order Approving Proposed Rule
Change**

March 17, 1980.

On January 24, 1980, the Philadelphia Stock Exchange, Inc. ("PHLX") 17th Street and Stock Exchange Place, Philadelphia, PA 19103 filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and Rule 19b-4 thereunder, copies of a proposed rule change which would rescind By-Law Sections 18-15 and 18-21 which provide for summary disciplinary proceedings and prohibit representation by counsel at PHLX disciplinary proceedings, respectively, and would amend By-Law Section 18-14, to provide that, in responding to disciplinary charges, a member has the right to be represented by counsel.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Release No. 34-16553, Feb. 4, 1980) and publication in the *Federal Register* (45 FR 9424, Feb. 12, 1980). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and in particular, the requirements of Section 6(b)(7) and 6(d) relating to national securities exchange disciplinary proceedings.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the

above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 80-9119 Filed 3-25-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 16672; SR-CSE-80-1]

**Cincinnati Stock Exchange; Order
Approving Proposed Rule Change**

March 17, 1980.

On February 5, 1980, the Cincinnati Stock Exchange ("CSE"), 209 Dixie Terminal Building, Cincinnati, Ohio 45202, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and Rule 19b-4 thereunder, copies of a proposed rule change which makes a security's ex-dividend date the day following its payable date with respect to stock splits and stock dividends that are 25% or greater, except for a security whose primary market is on another exchange that has a different rule or where the CSE Board of Trustees provides otherwise.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by issuance of a Commission Release (Securities Exchange Act Release No. 34-16512 (Feb. 11, 1980), 19 SEC Docket 332 (Jan. 29, 1980)), and by publication in the *Federal Register* (45 FR 10496, (Feb. 11, 1980)). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 80-9124 Filed 3-25-80; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1809]

**Oklahoma; Declaration of Disaster
Loan Area**

The area of the 200 block of West 6th Street and 100 block of Morton Street in the City of Okmulgee, Okmulgee County, Oklahoma, constitutes a disaster area because of damage resulting from a fire which occurred on January 17, 1980. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on May 16, 1980 and for economic injury until the close of business on December 17, 1980 at:

Small Business Administration, District Office, 200 N.W. 5th Street, Suite 670, Federal Building, Oklahoma City, Oklahoma 73102;

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: March 17, 1980.

A. Vernon Weaver,
Administrator.

[FR Doc. 80-9226 Filed 3-25-80; 8:45 am]

BILLING CODE 8025-01-M

**Region I Advisory Council Meeting;
Public Meeting**

The Small Business Administration Region I Advisory Council, located in the geographical area of Concord, New Hampshire, will hold a public meeting at 10:00 a.m., Wednesday, April 23, 1980, the Knox Room of the New Hampshire Highway Hotel, Concord, New Hampshire, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Bert Teague, District Director, U.S. Small Business Administration, 55 Pleasant Street, Concord, New Hampshire 03301 (603) 224-5588.

Dated: March 19, 1980.

Michael B. Kraft,
Deputy Advocate for Advisory Councils.

[FR Doc. 80-9218 Filed 3-25-80; 8:45 am]

BILLING CODE 8025-01-M

**Region IV Advisory Council Meeting;
Public Meeting**

The Small Business Administration Region IV Advisory Council, located in the geographical area of Charlotte, North Carolina, will hold a public meeting at 1 p.m., Wednesday, April 9, 1980 and 9 a.m., Thursday, April 10, 1980 at Charlotte District Office, Suite 700,

230 South Tryon Street, Charlotte, North Carolina, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Larry D. Cherry, District Director, U.S. Small Business Administration, 230 South Tryon Street, Suite 700, Charlotte, North Carolina 28202, (704) 371-6561.

Dated: March 19, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-9214 Filed 3-25-80; 8:45 am]

BILLING CODE 8025-01-M

Region IV Advisory Council Meeting; Public Meeting

The Small Business Administration Region IV Advisory Council, located in the geographical area of Atlanta, Georgia, will hold a public meeting from 9 a.m. to 1 p.m., Friday, April 25, 1980, at the Holiday Inn, 707 Turner McCall Boulevard, Rome, Georgia, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Clarence B. Barnes, District Director, U.S. Small Business Administration, 1720 Peachtree Road, N.W., 6th Floor, Atlanta, Georgia 30309, (404) 881-4749.

Dated: March 19, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-9215 Filed 3-25-80; 8:45 am]

BILLING CODE 8025-01-M

Region IX Advisory Council Meeting; Public Meeting

The Small Business Administration Region IX Advisory Council, located in the geographical area of Las Vegas, Nevada, will hold a public meeting from 9 a.m. to 12 noon, Friday, April 18, 1980, at the Environmental Protection Agency, Conference Room, 944 E. Harmon University of Nevada-Las Vegas Campus, Las Vegas, Nevada, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Robert S. Garrett, District Director, U.S. Small Business Administration, 301 E. Stewart, Las Vegas, Nevada 89101 (702) 598-6611.

Dated: March 19, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-9217 Filed 3-25-80; 8:45 am]

BILLING CODE 8025-01-M

Region X Advisory Council Meeting; Public Meeting

The Small Business Administration Region X Advisory Council, located in the geographical area of Boise, Idaho, will hold a public meeting at 9:30 a.m. (MST) Tuesday, April 22, 1980, at the Owyhee Plaza Motel "Green Room," 11th & Main, Boise, Idaho, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Verne A. Leighton, District Director, U.S. Small Business Administration, 1005 Main Street, Boise, Idaho 83702, (208) 334-1096.

Dated: March 19, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-9218 Filed 3-25-80; 8:45 am]

BILLING CODE 8025-01-M

[License No. 02/02-0380]

TLC Funding Corp.; Issuance of a License To Operate as a Small Business Investment Company

On December 27, 1979, a Notice was published in the *Federal Register* (44 FR 76610) stating that TLC Funding Corp., 200 East 42nd Street, New York, New York 10017, had filed an application with the Small Business Administration pursuant to Section 107.102 of the SBA Rules and Regulations governing small business investment companies (13 CFR 107.102 (1979)), for a license to operate as a small business investment company.

Interested parties were given until the close of business January 11, 1980, to submit their comments. No comments were received.

Notice is hereby given that, having considered the application and all other pertinent information, SBA on February 29, 1980, issued License No. 02/02-0380 to TLC Funding Corp., pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 18, 1980.

Peter F. McNeish,

Deputy Associate Administrator for Finance and Investment.

[FR Doc. 80-9213 Filed 3-25-80; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 707]

Gifts to Federal Employees From Foreign Governments Reported to Employing Agencies in Calendar Year 1979

The Department of State submits the following comprehensive listing of the statements which, as required by law, Federal employees filed with their employing agencies during calendar year 1979 concerning gifts received from foreign government sources. The compilation includes reports of both tangible gifts and gifts of travel or travel expenses of more than minimal value, as defined by statute.

Publication of this listing in the *Federal Register* is required by Section 7342(f) of Title 5, United States Code, as added by Section 515 (a)(1) of the Foreign Relations Authorization Act, Fiscal Year 1978 (Pub. L. 95-105, August 17, 1977, 91 Stat. 865.)

Dated: March 8, 1980.

Ben H. Read,

Under Secretary for Management.

BILLING CODE 4710-20-M

AGENCY: White House - President and Mrs. Carter, and Other First Family Members

<u>Name and Title of Recipient</u>	<u>Gift, Date of Acceptance, Est. Value and Current Disposition or Location</u>	<u>Identity of Foreign Donor and Government</u>	<u>Circumstances Justifying Acceptance</u>
President Carter	Assortment of 24 bottles of red and white vintage wine - 1962-1975, produced in Australia Recd September 6, 1979 Est. Value - \$122.40 (combined) Retained for official use at residence	J. Malcolm Fraser Prime Minister of Australia	Non-acceptance would have caused embarrassment to donor
Mrs. Rosalynn Carter	Purple sari, raw silk with gold metallic overall design; approx. 4-1/2 yds x 44" wide Recd December 20, 1979 Est. Value - \$400 Transferred and stored at Archives	Mrs. Tabarak Husain Wife of Ambassador of Bangladesh	Non-acceptance would have caused embarrassment to donor
President Carter	Jute carpet, overall red & black design on brown background, fringed 6'x9' Recd April 30, 1979 Est. Value - Over \$100 Transferred and stored at Archives	Maj. Gen. Ziaur Rahman President of Bangladesh	Non-acceptance would have caused embarrassment to donor
President and Mrs. Carter	Jingdezhen porcelain vase (new), white background depicting pine tree & crane (bird, symbol of longevity) design in blue, handmade in original Ming Imperial kiln, 3' tall, displayed on carved ebony stand Recd February 1, 1979 Est. Value - \$700 Retained for official use at Residence	Deng Xiaoping Vice Premier of State Council, People's Republic of China	Non-acceptance would have caused embarrassment to donor
President and Mrs. Carter	Double-sided Suzhou screen - a white cat & praying mantis (traditional Chinese theme) embroidered & displayed within glass encased in ebony frame supported on carved stand, 16"x27-1/2" overall Recd February 1, 1979 Est. Value - \$500 Retained for official use at Residence	Deng Xiaoping Vice Premier of State Council, People's Republic of China	Non-acceptance would have caused embarrassment to donor
President and Mrs. Carter	Beijing screen, handcarved & lacquered in red, entitled "Dream of the Red Chamber", depicting scene from Chapter 62 of book by same title (one of China's outstanding classical novels) inscribed on reverse in Chinese - displayed in rosewood frame mounted on intricately carved rosewood stand, 20"x20" overall Recd February 1, 1979 Est. Value - \$800 Retained for official use at Residence	Deng Xiaoping Vice Premier of State Council, People's Republic of China	Non-acceptance would have caused embarrassment to donor
President and Mrs. Carter	Hangzhou silk brocade fabric, 1 bolt, black & blue w/gold metallic overall floral motif, 6 yds, 2 ft. x 30" wide Recd February 1, 1979 Est. Value - \$135 Transferred and stored at Archives	Deng Xiaoping Vice Premier of State Council, People's Republic of China	Non-acceptance would have caused embarrassment to donor
President and Mrs. Carter	Hangzhou silk brocade fabric, 1 bolt, white w/gold metallic overall floral motif, 6 yds x 30" wide Recd February 2, 1979 Est. Value - \$132 Transferred and stored at Archives	Deng Xiaoping Vice Premier of State Council, People's Republic of China	Non-acceptance would have caused embarrassment to donor

AGENCY: White House - President and Mrs. Carter, and Other First Family Members

<u>Name and Title of Recipient</u>	<u>Gift, Date of Acceptance, Est. Value and Current Disposition or Location</u>	<u>Identity of Foreign Donor and Government</u>	<u>Circumstances Justifying Acceptance</u>
President and Mrs. Carter	Egyptian porcelain vase, overlaid in 20KT gold, handpainted with black Egyptian motifs by Onsy Aboud and polished with agate, inscribed on bottom, 18" high Recd April 5, 1979 Est. Value - \$5000 Transferred and stored at Archives	Minister of Industry and Mining of Arab Republic of Egypt and Mrs. Ibrahim A. Atallah	Non-acceptance would have caused embarrassment to donors
President Carter	Porcelain plate depicting Presidents Carter & Sadat vis-a-vis w/Statue of Liberty & Sphinx at Giza in background, inscription thereunder, commemorating President Carter's trip to Egypt March 8-10, 1979, engraved w/matt gold, polish w/agate, 12" diameter Recd April 19, 1979 Est. Value - Over \$100 Transferred and stored at Archives	Abraham A. Atallah Minister of Industry & Mining, Arab Republic of Egypt	Non-acceptance would have caused embarrassment to donor
President and Mrs. Carter	Oil Aladdin lamp, engraved silver replica of Egyptian original with raised handle, 9"x4" Recd April 9, 1979 Est. Value - \$375 Transferred and stored at Archives	Abdel Fatah Azam Governor of Giza Egypt	Non-acceptance would have caused embarrassment to donor
President Carter	18KT gold key to city, 7-1/2" in length with seal of the Giza Governorate at top Recd April 6, 1979 Est. Value - \$1,500 Transferred and stored at Archives	Abdel Fatah Azam Governor of Giza Egypt	Non-acceptance would have caused embarrassment to donor
President Carter	Small pennant w/gold fringe; hand embroidered in front on green satin with silver & gold threads "Giza Governorate" emblem of Egypt; on reverse, the flag of Egypt with center design in gold threads w/ inscription to President Carter Recd April 6, 1979 Est. Value - \$800 Transferred and stored at Archives	Abdel Fatah Azam Governor of Giza Egypt	Non-acceptance would have caused embarrassment to donor
President and Mrs. Carter	2 Parchments w/gold leaf design of Egyptian symbols "Life, Prosperity, & Health", personalized to each donee; glass enclosed in ornate oak frames 23"x 18" Recd April 6, 1979 Est. Value - \$350 Transferred and stored at Archives	Abdel Fatah Azam Governor of Giza Egypt	Non-acceptance would have caused embarrassment to donor
President Carter	Model of ancient lighthouse of Alexandria Pharos, gold electroplate over brass, containing battery powered light in tower, mounted on wooden platform w/engraved plate, overall 12"x12"x14" Recd March 19, 1979 Est. Value - \$250 Transferred and stored at Archives	Mohammed Helmi Governor of Alexandria Egypt	Non-acceptance would have caused embarrassment to donor
President and Mrs. Carter	2 Albums with color photos of Carters and Sadats on occasion of trip to Egypt March 8-13, 1979, contained in green leather albums within cases Recd March 30, 1979 Est. Value - Over \$100 Transferred and stored at Archives	Hassan Kamel Chief of Cabinet Cairo, Egypt	Non-acceptance would have caused embarrassment to donor

AGENCY: White House - President and Mrs. Carter, and Other First Family Members

<u>Name and Title of Recipient</u>	<u>Gift, Date of Acceptance Est. Value and Current Disposition or Location</u>	<u>Identity of Foreign Donor and Government</u>	<u>Circumstances Justifying Acceptance</u>
President Carter	20KT solid gold key to city with Cairo Governorate emblem at top, 6" long Recd April 5, 1979 Est. Value - \$750 Transferred and stored at Archives	Maj. Gen. Saad El Din Maamoun Governor of Cairo	Non-acceptance would have caused embarrassment to donor
Mrs. Rosalynn Carter	Solid silver tray, hand engraved w/Egyptian motifs overall, 11-1/2" diameter Recd April 5, 1979 Est. Value - \$400 Transferred and stored at Archives	Maj. Gen. Saad El Din Maamoun Governor of Cairo	Non-acceptance would have caused embarrassment to donor
President Carter	2 Hassocks (without interior stuffing) tan and brown leather w/gold motifs stamped overall Recd April 2, 1979 Est. Value - Over \$100 Transferred and stored at Archives	Mohamed Hosni Mobarak Vice President of Arab Republic of Egypt	Non-acceptance would have caused embarrassment to donor
President Carter	20-cup espresso coffeepot, gold-plated Zorivan over copper, machine-pressed overall design, 14 1/2" tall w/matching tray, 19 1/2" diameter Recd June 15, 1979 Est. Value - \$500 Transferred and stored at Archives	Mohamed Hosni Mobarak Vice President of Arab Republic of Egypt	Non-acceptance would have caused embarrassment to donor
Mrs. Rosalynn Carter	Fig. dish, silver (999/1000), Rococo style on 3 legs, fig. leaf design, filigree gorder, 2-5/8" wide, 11-3/4" diameter, 2-1/4" high Recd June 15, 1979 Est. Value \$450 Transferred and stored at Archives	Mohamed Hosni Mobarak Vice President of Arab Republic of Egypt	Non-acceptance would have caused embarrassment to donor
President and Mrs. Carter	2 Portraits, in colored oils of Pres. and Mrs. Carter, by an Egyptian artist, 30"x35", originally framed Recd March 26, 1979 Est. Value - Over \$100 Transferred and stored at Archives	President and Mrs. Anwar El Sadat Egypt	Non-acceptance would have caused embarrassment to donors
President Carter	Table, composed of black colored copper tray, 27 1/2" diameter with hand-engraved silver and brass inlay w/Egyptian motifs overall, provided w/light colored, hand- carved wooden, collapsible stand, 17" tall Recd March 30, 1979 Est. Value - \$1000 Transferred and stored at Archives	President Anwar El Sadat Egypt	Non-acceptance would have caused embarrassment to donor
President Carter	Decoration "The Great Order of the Nile", square & circular gold pieces, linked together set w/synthetic stones & inlaid enamelwork w/separate pendant included; each piece bears jeweler's hallmark Recd March 30, 1979 Est. Value - between \$7,500 - \$10,000 Transferred and stored at Archives	President Anwar El Sadat Egypt	Non-acceptance would have caused embarrassment to donor
President and Mrs. Carter	Turkish coffeepot, large replica, gold plated, ornately designed, used for decorative purposes, 28" high Recd April 6, 1979 Est. Value - \$600 Transferred and stored at Archives	President Anwar El Sadat Egypt	Non-acceptance would have caused embarrassment to donor

AGENCY: White House - President and Mrs. Carter, and Other First Family Members

<u>Name and Title of Recipient</u>	<u>Gift, Date of Acceptance, Est. Value and Current Disposition or Location</u>	<u>Identity of Foreign Donor and Government</u>	<u>Circumstances Justifying Acceptance</u>
President and Mrs. Carter	Guava juice - 20 cartons containing 48, 200 Gr. size, foil packets, made in Egypt by "Edfina Co." Recd April 6, 1979 Est. Value - \$3.25-\$3.50 per packet Destroyed	President Anwar El Sadat Egypt	Non-acceptance would have caused embarrassment to donor
President Carter	Porcelain plate depicting Presidents Carter & Sadat vis-a-vis w/Statue of Liberty & Sphinx at Giza in back- ground, inscription thereunder, commemorating Donee's trip to Egypt March 8-10, 1979, engraved w/matt gold, polished w/agate, 12" diameter Recd April 20, 1979 Est. Value - Over \$100 Transferred and stored at Archives	President Anwar El Sadat Egypt	Non-acceptance would have caused embarrassment to donor
Mrs. Rosalynn Carter	Decoration "Al Kamal Award" - star motif pin & smaller pendant, silver w/gold overlay & rubies, turquoise, enamelware & synthetic sapphires, attached to blue & gold ribbon Recd March 30, 1979 Est. Value - \$140-\$150 Transferred and stored at Archives	Mrs. Anwar El Sadat Wife of President of Egypt	Non-acceptance would have caused embarrassment to donor
Mrs. Rosalynn Carter	Necklace, beaded & silver loops w/silver disc pendant bearing floral motif Recd March 30, 1979 Est. Value - \$150 - \$200 Retained by Donee for official use	Mrs. Anwar El Sadat Wife of President of Egypt	Non-acceptance would have caused embarrassment to donor
President and Mrs. Carter	2 Drinking glasses, made in France by "Lalique", etched with "V. Giscard d'Estaing" thereon, 6 1/2 " tall Recd January 27, 1979 Est. Value - Over \$100 Transferred and stored at Archives	Mrs. Giscard d'Estaing Wife of President of France	Non-acceptance would have caused embarrassment to donor
President and Mrs. Carter	Silver tray, braided rope style handles, engraved and made in France by "Hermes" - 11"x14" Recd January 27, 1979 Est. Value - \$500-\$800 Transferred and stored at Archives	Mrs. Giscard d'Estaing Wife of President of France	Non-acceptance would have caused embarrassment to donor
President and Mrs. Carter	Music box - a stationary nativity scene with figures of 3 kings, soldiers, et al, revolving around it when the German Tune "Von Himmel Hoch" is played; handcarved of wood & mounted on wood decorated base, an original "Erzgebirge" design Recd. December 18, 1979 Est. Value - Over \$100 Transferred and stored at Archives	Ambassador and Mrs. Horst Grunert German Democratic Republic	Non-acceptance would have caused embarrassment to donors
President Carter	Donegal "Killybegs" rug w/scalloped edges & false wool fringe, an Irish harp medallion in center, surrounded by a panelled Aubusson effect; colors are beige, charcoal grey and greens on ivory ground; 100% wool, newly made in Ireland; 72" diameter Recd November 15, 1979 Est. Value - \$300 - \$900 Transferred and stored at Archives	Jack Lynch Prime Minister of Ireland	Non-acceptance would have caused embarrassment to donor

AGENCY: White House - President and Mrs. Carter, and Other First Family Members

<u>Name and Title of Recipient</u>	<u>Gift, Date of Acceptance, Est. Value and Current Disposition or Location</u>	<u>Identity of Foreign Donor and Government</u>	<u>Circumstances Justifying Acceptance</u>
Mrs. Rosalynn Carter	Bowl - hand-thrown stoneware w/Batik glaze, crafted in Ireland, 8" diameter Recd November 15, 1979 Est. Value - \$150 Transferred and stored at Archives	Jack Lynch Prime Minister of Ireland	Non-acceptance would have caused embarrassment to donor
President Carter	Gold-plated silver medallion depicting artwork of Salvador Dali, enclosed in olive wood case with engraved plaque inside lid Recd April 5, 1979 Est. Value - \$150 Transferred and stored at Archives	M. K. Samuel Flatto-Sharon Member of Knesset Jerusalem, Israel	Non-acceptance would have caused embarrassment to donor
Mrs. Rosalynn Carter	Necklace - Yeminite, filigree design in multiple peace dove motif, silver w/gold overlay, synthetic stones Recd March 29, 1979 Est. Value - \$200-\$400 Transferred and stored at Archives	Mrs. Yitzhak Navon Wife of President of Israel	Non-acceptance would have caused embarrassment to donor
President Carter	Perfume vial, Roman glass handblown in Israel during Herodian-Mishna Period (1st-4th century CE); 6" high, displayed on wooden stand w/engraved plate, & lucite cover Recd March 15, 1979 Est. Value - \$1,500 Retained for official use at Residence	President Yitzhak Navon Israel	Non-acceptance would have caused embarrassment to donor
President and Mrs. Carter	Print, Limited Edition color lithograph of village of "Ain Karim" (reputed birthplace of John The Baptist) near Jerusalem by artist Reuven Rubin, signed, matted and framed under glass, 25"x35: Recd March 29, 1979 Est. Value - \$600 Transferred and stored at Archives	President of Israel and Mrs. Yitzhak Navon	Non-acceptance would have caused embarrassment to donors
President Carter	Book "Under Milk Wood" (a Play for Voices) by Dylan Thomas, translated by Arie Aharoni (Hebrew text), cover bound in silver done in repousse Recd March 19, 1979 Est. Value - \$175 (cover only) Transferred and stored at Archives	Shimon Peres Chairman of Labor Party The Knesset, Jerusalem	Non-acceptance would have caused embarrassment to donor
Amy Carter	Doll, felt covered body in pink organdy dress & hat by "Anili", 21" long Recd May 16, 1979 Est. Value - \$108 Transferred and stored at Archives	Giulio Andreotti President of Council of Ministers - Italy	Non-acceptance would have caused embarrassment to donor
Mrs. Rosalynn Carter	2 floral scarves, silk by "Gucci", both approx 34-1/2" square Recd May 16, 1979 Est. Value - \$140 combined Transferred and stored at Archives	Giulio Andreotti President of Council of Ministers - Italy	Non-acceptance would have caused embarrassment to donor
Mrs. Rosalynn Carter	Gold charm set w/mother-of-pearl and lapis lazuli, designed as 4-leaf clover, crafted by "Bulgari" of Italy, 1" in diameter Recd May 22, 1979 Est. Value - \$350 Retained for official use by donee	Maria Pia Fanfani Wife of President of the Senate, Rome, Italy	Non-acceptance would have caused embarrassment to donor
President Carter	Sculpture - piece of polished petrified wood mounted with silver plate bearing olive branch "Pax Tibi" (Peace to You) & Papal seal in mezzo relief, 13"x7" x 2" contained in white leather presentation box with double lid bearing Papal seal; included is silver medallion bearing likeness of Pope John Paul II & Papal seal on reverse, 2" diameter Recd October 1979 Est. Value - \$185-\$190 combined Transferred and stored at Archives	His Holiness John Paul II Vatican City	Non-acceptance would have caused embarrassment to donor

AGENCY: White House - President and Mrs. Carter, and Other First Family Members

<u>Name and Title of Recipient</u>	<u>Gift, Date of Acceptance, Est. Value and Current Disposition or Location</u>	<u>Identity of Foreign Donor and Government</u>	<u>Circumstances Justifying Acceptance</u>
Mrs. Rosalynn Carter	Butterfly pin, 18KT gold, set w/colored mother-of-pearl & 18 diamond chips, made in Italy Recd May 18, 1979 Est. Value - \$950 Transferred and stored at Archives	Alessandro Pertini President of Italy	Non-acceptance would have caused embarrassment to donor
Mrs. Rosalynn Carter	Ladies Kimono Recd July 19, 1979 Est. Value - Over \$100 Retained for official use by donee	(Shimura) Aiko Anzai, Member of House of Councillors, Japan	Non-acceptance would have caused embarrassment to donor
Amy Carter	Kimono and accessories Recd July 19, 1979 Est. Value - \$155 Transferred and stored at Archives	Miss Shiori Aoki Granddaughter of Mayor Aoki of Shimoda	Non-acceptance would have caused embarrassment to donor
Mrs. Rosalynn Carter	Doll, dressed in green & gold brocade costume w/long black hair, mounted on stand, 18" tall, displayed in glass case Recd July 19, 1979 Est. Value - \$300 Transferred and stored at Archives	Yoshio Aoki Mayor of Shimoda Japan	Non-acceptance would have caused embarrassment to donor
President Carter	Plain lacquered box w/removable lid, 13-1/4"x9-3/4"x5" Recd July 19, 1979 Est. Value - \$150 Transferred and stored at Archives	Yoshio Aoki Mayor of Shimoda Japan	Non-acceptance would have caused embarrassment to donor
Amy Carter	Doll, handpainted plaster of paris, on stand, 14" tall, displayed in glass case Recd July 19, 1979 Est. Value - \$225 Transferred and stored at Archives	Yoshio Aoki Mayor of Shimoda Japan	Non-acceptance would have caused embarrassment to donor
President Carter	Sculpture - Shimoda drum, 1/8 scale model replica, designed as a float, 20" tall, displayed in glass case Recd July 19, 1979 Est. Value - \$250 Transferred and stored at Archives	Yoshio Aoki Mayor of Shimoda Japan	Non-acceptance would have caused embarrassment to donor
President Carter	Chronograph wristwatch by "Seiko" stainless steel case & band, inscribed Recd Aug. 6, 1979 Est. Value - \$250 Transferred and stored at Archives	Yoshio Aoki Mayor of Shimoda Japan	Non-acceptance would have caused embarrassment to donor
President Carter	Kutani porcelain vase with overall cherry blossom motif hand painted over white background, crafted by modern potter, Kizan Kamiide, 18" tall Recd July 17, 1979 Est. Value \$800 Transferred and stored at Archives	His Imperial Majesty Emperor Hirohito Japan	Non-acceptance would have caused embarrassment to donor
President and Mrs. Carter	2 black & white photographs of Emperor and Empress of Japan (includes album), autographed in Japanese, in silver frames bearing Imperial crest, 11" x 14-1/2" Recd July 17, 1979 Est. Value - Over \$100 Transferred and stored at Archives	Emperor Hirohito and Empress of Japan	Non-acceptance would have caused embarrassment to donors
President and Mrs. Carter	Book "The Imperial Palace", navy blue cloth bound, printed in Tokyo in matching case w/accompanying booklet of same title Recd July 17, 1979 Est. Value - \$300 Transferred and stored at Archives	Emperor Hirohito and Empress of Japan	Non-acceptance would have caused embarrassment to donors

AGENCY: White House - President and Mrs. Carter, and Other First Family Members

<u>Name and Title of Recipient</u>	<u>Gift, Date of Acceptance, Est. Value and Current Disposition or Location</u>	<u>Identity of Foreign Donor and Government</u>	<u>Circumstances Justifying Acceptance</u>
Amy Carter	Doll, dressed in Kimono on stand, 23" tall, in glass display case Recd July 18, 1979 Est. Value - \$300 Transferred and stored at Archives	Emperor Hirohito and Empress of Japan	Non-acceptance would have caused embarrassment to donors
Mrs. Rosalynn Carter	Book "The Imperial Bonsai of Japan", Japanese text, color photos, brocade covered, in matching fitted case Recd July 18, 1979 Est. Value - \$300 Transferred and stored at Archives	Her Majesty The Empress of Japan	Non-acceptance would have caused embarrassment to donor
President Carter	Cuff links, circular design, 18KT gold, in maroon leather case Recd May 3, 1979 Est. Value - \$300 Transferred and stored at Archives	Takechiyo Kimura House of Representatives Tokyo	Non-acceptance would have caused embarrassment to donor
Mrs. Rosalynn Carter	Woodblock (woodprint) "Kamakura Gate (I)" by Kiyoshi Saito 1979, 101/130 Limited Edition, matted and framed under glass, 15-1/2"x21"x23"x28" overall Recd May 7, 1979 Est. Value \$1130 Transferred and stored at Archives	Masayoshi Ohira Prime Minister of Japan	Non-acceptance would have caused embarrassment to donor
President and Mrs. Carter	Floral motif handpainted on porcelain tile, mounted in shadowbox frame, 19-1/2" x 16-3/4" Recd July 19, 1979 Est. Value - \$300 Transferred and stored at Archives	Prime Minister of Japan and Mrs. Masayoshi Ohira	Non-acceptance would have caused embarrassment to donors
President Carter	3 Large color albums of President and Mrs. Carter's State Visit to Japan June 1979; the Japan Summit; & Prime Minister Ohira's visit to Washington, DC Recd September 18, 1979 Est. Value - Over \$100 Transferred and stored at Archives	Masayoshi Ohira Prime Minister of Japan	Non-acceptance would have caused embarrassment to donor
Amy Carter	Pentax camera, Auto 110 model w/24 MM lens Recd July 19, 1979 Est. Value - \$189 Transferred and stored at Archives	Mrs. Masayoshi Ohira Wife of Prime Minister of Japan	Non-acceptance would have caused embarrassment to donor
President Carter	Make-up kit "C-Bon Color Collection" contained in suede covered carrying case w/brass fittings Recd July 10, 1979 Est. Value - \$125 (case only) Cosmetics destroyed per USSS Case retained for official use by First Lady	Sunao Sonoda Minister of Foreign Affairs Japan	Non-acceptance would have caused embarrassment to donor
President Carter	Doll dressed in traditional Japanese costume, mounted on stand, displayed in glass case w/wood presentation plaque, inscribed in Japanese; doll 21" tall; case 25" tall Recd July 19, 1979 Est. Value - \$300 Transferred and stored at Archives	Yoshihiko Tsuchiya Member, House of Councillors, Japan	Non-acceptance would have caused embarrassment to donor
Mrs. Rosalynn Carter	4-strand cultured seed pearl necklace, baroque style w/14KT gold clasp containing 3 precious stones Recd June 1979 Est. Value - \$1400 Retained for official use by donee	Hisanari Yamada and Mrs Member of House of Representatives, Japan	Non-acceptance would have caused embarrassment to donor

AGENCY: White House - President and Mrs. Carter, and Other First Family Members

<u>Name and Title of Recipient</u>	<u>Gift, Date of Acceptance, Est. Value and Current Disposition or Location</u>	<u>Identity of Foreign Donor and Government</u>	<u>Circumstances Justifying Acceptance</u>
President Carter	Round shaped vase (new), glazed porcelain with four seasons motif depicted, 10-1/2" tall Recd August 6, 1979 Est. Value - \$350 Transferred and stored at Archives	Yasuhide Yamanokuchi Mayor of Kagoshima Japan	Non-acceptance would have caused embarrassment to donor
President Carter	Film "President Jimmy Carter: The United States visits Korea", 3 large reels (1 16MM and 2 36MM), english, produced by Korea Film Production Recd September 17, 1979 Est. Value - Over \$100 Transferred and stored at Archives	H.E. Yong Shik Kim Ambassador of Korea	Non-acceptance would have caused embarrassment to donor
Mrs. Rosalynn Carter	2 bolts silk fabric, white w/white satin striping, 6 yds 44" wide and fuschia w/overall "L" motif, 4 yds & 46" wide Recd July 24, 1979 Est. Value - \$150 combined Retained for official use by donee	President of Republic of Korea and Miss Keun-Hae Park (daughter)	Non-acceptance would have caused embarrassment to donors
President and Mrs. Carter	Portrait of President and Mrs. Carter in colored oils, by Myung Mo Chung, gold leaf frams, 36-1/2" x 44" Recd July 24, 1979 Est. Value \$1000 Transferred and stored at Archives	President of Republic of Korea and Miss Keun-Hae Park (daughter)	Non-acceptance would have caused embarrassment to donors
President Carter	Painting - watercolor rural scene of farmer working w/oxen in field by artist Song Hi Rim, signed, framed under glass w/engraved presentation plate Recd July 24, 1979 Est. Value - \$300 Transferred and stored at Archives	President of Republic of Korea and Miss Keun-Hae Park (daughter)	Non-acceptance would have caused embarrassment to donors
President and Mrs. Carter	Bedspread "Country Cloth", handmade patchwork style w/"JC" and President "Jimmy Carter" lettered, green & white fringed, 95"x160", contained in light-colored polished wood carrying case with outline of Liberia inlaid in darker wood - key included Recd October 4, 1979 Est. Value - Over \$100 Transferred and stored at Archives	Dr. William R. Tolbert, Jr. President of Liberia	Non-acceptance would have caused embarrassment to donor
Mrs. Rosalynn Carter	Suede jacket Recd July 1979 Est value - Over \$100 Retained for official use by donee	Mrs. Cardenas Gonzalez Wife of Governor of State of Tamaulipas, Mexico	Non-acceptance would have caused embarrassment to donor
President Carter	Chamois colored suede jacket w/black leather cutout designs, fringed, made in Tamaulipas, Mexico Recd October 1, 1979 Est. Value - \$150 Transferred and stored at Archives	Enrique Cardenas Gonzalez Governor of State of Tamaulipas, Mexico	Non-acceptance would have caused embarrassment to donor
President and Mrs. Carter	2 Jogging suits, dark grey w/gold stripe down side and patch on frong, "Carter" across back Recd February 26, 1979 2 additional suits received July 1979 Est. Value - \$70-\$80 (Combined) Same value for additional suits Retained for official use	Alfonso de la Torre (Martinez) Brigadier Gen D.E.M. Cmte. CPO. Gdias, Presid.	Non-acceptance would have caused embarrassment to donor
President Carter	Statue (sculpture), replica of Independence Monument at which donee laid wreath during trip to Mexico, made of 18KT gold, mounted on onyx base, 5" high Recd February 28, 1979 Est. Value - \$1600 Transferred and stored at Archives	Carlos Hank Gonzalez Mayor of Mexico City	Non-acceptance would have caused embarrassment to donor

AGENCY: White House - President and Mrs. Carter, and Other First Family Members

<u>Name and Title of Recipient</u>	<u>Gift, Date of Acceptance, Est. Value and Current Disposition or Location</u>	<u>Identity of Foreign Donor and Government</u>	<u>Circumstances Justifying Acceptance</u>
Mrs. Rosalynn Carter	Necklace, bracelet & earrings, handcrafted matched set made of silver with tiger eyes Recd February 27, 1979 Est. Value - \$675 (combined) Transferred and stored at Archives	Mrs. Carmen Romano de Lopez Portillo Wife of President of Mexico	Non-acceptance would have caused embarrassment to donor
Mrs. Rosalynn Carter	Necklace & bracelet, handcrafted set in sterling silver Recd October 4, 1979 Est. Value - \$675 (combined) Transferred and stored at Archives	Mrs. Carmen Romano de Lopez Portillo Wife of President of Mexico	Non-acceptance would have caused embarrassment to donor
President Carter	Bronze statue (sculpture) of Abraham Lincoln holding broken chain mounted on black marble base w/ engraved plate, displayed in hinged case Recd February 27, 1979 Est. Value - Over \$100 Transferred and stored at Archives	Jose Lopez Portillo President of Mexico	Non-acceptance would have caused embarrassment to donor
President Carter	2 Books "Indumentaria Antigua Armas, Vestidos Guerreros Y Civiles de los Antiguos Mexicanos" (period dress -- Mexican civilian and military attire) by Dr. Antonio Penafiel; "Atlas de las Antigüedades Mexicanas" (Atlas of Mexican antiques); both large, leather bound and hand-tooled Recd February 27, 1979 Est. Value - Over \$100 Transferred and stored at Archives	Jose Lopez Portillo President of Mexico	Non-acceptance would have caused embarrassment to donor
President Carter	Sculpture "La Esperanza" (The Hope), 360 degree modernistic profile of Pres. Carter, sculpted in black marble, mounted on square beige marble base w/engraved plate, by Sergio Bologna 1977 Recd March 8, 1979 Est. Value - Over \$100 Transferred and stored at Archives	Jose Lopez Portillo President of Mexico	Non-acceptance would have caused embarrassment to donor
President and Mrs. Carter	15 gold burial objects - plated silver reproductions of 15th century A.D. originals which were taken from Tomb #7 at Monte Alban, Oaxaca, Mexico; 2 pectoral ornaments; cylindrical ear-plug; circular shaped tweezers; ax-shaped tweezers; 2 eye masks; cylindrical hammered bracelet; 2 elliptical-shaped bracelets; laminated bracelet - displayed in red, felt-lined, wood carrying chest, provided w/2 keys Recd October 4, 1979 Est. Value - \$1500 (combined) Transferred and stored at Archives	Jose Lopez Portillo President of Mexico	Non-acceptance would have caused embarrassment to donor
Mrs. Rosalynn Carter	Necklace, bracelet, earrings (screw type) - a matched set in silver w/malachite settings Recd October 4, 1979 Est. Value - \$800-\$100 (combined) Transferred and stored at Archives	Jose Lopez Portillo President of Mexico	Non-acceptance would have caused embarrassment to donor
President Carter	Portrait of President Carter, composed of myriad American sites & objects, including President's birthplace, Majes Earl Carter Sr., 1928 Dry Goods Store, 4th of July parade, Statue of Liberty, Mount Rushmore, steamboats, state flags, etc. - oil on canvas by Octavo Ocampo in polished wood frame 39" x 47" Recd October 4, 1979 Est. Value - Over \$100 Retained at Residence for official use	Jose Lopez Portillo President of Mexico	Non-acceptance would have caused embarrassment to donor

AGENCY: White House - President and Mrs. Carter, and Other First Family Members

<u>Name and Title of Recipient</u>	<u>Gift, Date of Acceptance, Est. Value and Current Disposition or Location</u>	<u>Identity of Foreign Donor and Government</u>	<u>Circumstances Justifying Acceptance</u>
Mrs. Rosalynn Carter	Carpet, machine made Pakistanian copy of Ferehan Iranian rug w/multi-colored tree of life & peacock design, fringed, made of chemically treated wool to simulate silk, 8'3" x 5' Recd August 16, 1979 Est. Value - \$3500 Transferred and stored at Archives	Mrs. Shafia Zia-Ul-Haq Wife of President of Pakistan	Non-acceptance would have caused embarrassment to donor
Mrs. Rosalynn Carter	Coin - the 1978 Five Hundred Balboa gold coin of Panama - minted in limited edition w/full proof finish by the Franklin Mint Recd August 20, 1979 Est. Value - \$510 Transferred and stored at Archives	Aristides Royo President of Panama	Non-acceptance would have caused embarrassment to donor
President and Mrs. Carter	Large flower arrangement of artificial "Everlasting" (native to the Philippines) with filler, made from white seashells, contained in silver mesh basket, 27" tall Recd January 8, 1979 Est. Value - Over \$100 Retained for official use at Residence	President and Mrs. Marcos Philippines	Non-acceptance would have caused embarrassment to donors
President Carter	Set of 6 ingots each depicting in mezzo relief a major event in history of Portugal - die-struck in bronze, each 3-1/2"x4-1/4", contained in velvet covered compartmentalized box Recd June 29, 1979 Est. Value - \$1500 (combined) Transferred and stored at Archives	Antonio Dos Santos Ramalho Eanes President of Portugal	Non-acceptance would have caused embarrassment to donor
President Carter	Woodcarving "Old Dacian Fighter", a mezzo relief of a warrior with drawn bow & arrows, mounted in darker wood frame, 18"x23" Recd December 26, 1979 Est. Value - \$200 Transferred and stored at Archives	Ambassador Nicolae Tonescu Romania	Non-acceptance would have caused embarrassment to donor
President Carter	"Homage to Andres Segovia", bronze sculpture of hands of Spanish classical guitarist Andres Segovia, mounted on bronze & wooden base w/engraved plate, sculpted by Medina - campeny at Carnegie Hall, NY, 16"x15" Recd March 14, 1979 Est. Value - Over \$100 Transferred and stored at Archives	Jose Llado Ambassador of Spain	Non-acceptance would have caused embarrassment to donor
President Carter	Wall hanging - jungle scene of trees, vines, elephants and other animals, intricately handcarved from 1 piece of wood, mounted in shadowbox frame, 38" x 82", provided w/detached, engraved silver presentation plate Recd February 8, 1979 Est. Value - Over \$100 Transferred and stored at Archives	Kriangsak Chamanan Prime Minister of Thailand	Non-acceptance would have caused embarrassment to donor
President Carter	Jewelry or all-purpose box, made in Thailand of sterling silver decorated w/Niello and depicting a Chai crest on lid, lined w/polished brown colored wood, engraved brass presentation plate attached to inside lid, 11" x 7" x 3-1/2" Recd February 8, 1979 Est. Value \$700 - \$1200 Transferred and stored at Archives	Kriangsak Chamanan Prime Minister of Thailand	Non-acceptance would have caused embarrassment to donor

AGENCY: White House - President and Mrs. Carter, and Other First Family Members

<u>Name and Title of Recipient</u>	<u>Gift, Date of Acceptance, Est. Value and Current Disposition or Location</u>	<u>Identity of Foreign Donor and Government</u>	<u>Circumstances Justifying Acceptance</u>
Mrs. Rosalynn Carter	Thai celadon ceramicware, a green glazed ceramic tableware with Thai figures in low relief, consisting of: 1 coffee pot, 1 teapot, 12 teacups without handles, 12 coffee cups and 12 saucers, 2 large serving platters, 2 large serving bowls, 1 with lid, 1 urn, 12 large plates, 12 med. plates, 11 small plates, 2 large bowl, 2 med. bowls, 12 small bowls, 12 rice bowls with lids, 2 sugar bowls, 2 creamer pitchers, 4 salt shakers and 3 pepper shakers Recd February 8, 1979 Est. Value - Over \$100 Transferred and stored at Archives	Kriangsak Chamanan Prime Minister of Thailand	Non-acceptance would have caused embarrassment to donor
Mrs. Rosalynn Carter	4 pieces of fabric: 1 piece of woven cotton in orange, gold & grey colorings w/gold metallic stripe 184"x40"; 1 piece of finished silk in beige w/multi-colored floral design, 34" sq; 1 piece of silk w/green floral design on grey background 14"x4"; and 1 piece of raw silk w/green & blue design on dark blue background, 190" x 34" Recd November 19, 1979 Est. Value - \$245 (combined) Transferred and stored at Archives	Kriangsak Chamanan Prime Minister of Thailand	Non-acceptance would have caused embarrassment to donor
President Carter	6 men's silk shirts, long sleeve coat-style, striped & patterned, by Jim Thompson of "The Thai Silk Co., Ltd", size medium Recd November 19, 1979 Est. Value - \$360 (combined) Transferred and stored at Archives	Kriangsak Chamanan Prime Minister of Thailand	Non-acceptance would have caused embarrassment to donor
President Carter	Alcoholic beverages contained in polished wood chest consisting of 7 cut glass decanters with separate stoppers - 4 vodka, 1 konyak, 1 kodka and 1 gin - included are 5 20 oz. plain bottles; 4 vodka and 1 bal'zam; 6 cut glasses 2-1/2" high; 1 "Yava Moskva" pipe and 1 package of "Trubka Mira" tobacco, 50 grams Recd June 20, 1979 Est. Value - \$400 (combined) Retained for official use	Leonid Il'ich Brezhnev President of Presidium of Supreme Soviet - USSR	Non-acceptance would have caused embarrassment to donor
Mrs. Rosalynn Carter	Palekh Box, handpainted Troika scene, lacquered, hinged lid 7-1/2"x5"x2" Recd June 20, 1979 Est. Value - \$300 Transferred and stored at Archives	Leonid Il'ich Brezhnev President of Presidium of Supreme Soviet - USSR	Non-acceptance would have caused embarrassment to donor
President Carter	Minerals, collection of 24 from areas in Shaba (Zaire), contained in light colored chest w/incised design on hinged lid Recd September 12, 1979 Est. Value - \$340 Transferred and stored at Archives	Sese Seko Mobutu President of Zaire	Non-acceptance would have caused embarrassment to donor
Mrs. Rosalynn Carter	Necklace, bracelet, ring, pin and earrings (pierced) - a matched set of 18 KT gold w/malachite stones Recd September 12, 1979 Est. Value - \$2750 (combined) Transferred and stored at Archives	Sese Seko Mobutu President of Zaire	Non-acceptance would have caused embarrassment to donor

AGENCY: White House Staff

<u>Name and Title of Recipient</u>	<u>Gift, Date of Acceptance, Est. Value and Current Disposition or Location</u>	<u>Identity of Foreign Donor and Government</u>	<u>Circumstances Justifying Acceptance</u>
Henry Owen Assistant to the President for Economic Conferences	Make-up Kit, color collection by C'BON, contained in suede covered carrying case with brass fittings, 10" x 7-1/2" x 7" Rec'd August 30, 1979 Est. Value - \$125 (case only) Retained at White House Gift Unit pending disposition by GSA	H.E. Sunao Sonoda Minister of Foreign Affairs, Japan	Non-acceptance would have caused embarrassment to donor

AGENCY: Office of the Vice President - Vice President and Mrs. Mondale, 1979

<u>Name and Title of Recipient</u>	<u>Gift, Date of Acceptance, Est. Value and Current Disposition or Location</u>	<u>Identity of Foreign Donor and Government</u>	<u>Circumstances Justifying Acceptance</u>
Vice President Mondale	Shell Tree Date rec'd: October 31, 1979 Est. Value: \$200.00 VP Gift Storage Room EOB	Mrs. Imelda Marcos, Wife of President of the Philippines	Non-acceptance would have caused embar- rassment to donor
Vice President Mondale	Silver Candelabra Date Rec'd: February 1979 Est. Value: \$375.00 VP Residence	K. Chomanan, Prime Minister of Thailand	Non-acceptance would have caused embar- rassment to donor
Mrs. Joan Mondale	Metal Artwork Date Rec'd: June 11, 1979 Est. Value: \$1,000.00 Room 283, OEOB	Mr. Dusan Dzamonga Yugoslavian artist Yugoslavia	Non-acceptance would have caused embar- rassment to donor

U.S. Senate

TANGIBLE GIFTS

<u>Name and Title of Recipient</u>	<u>Gift, Date of Acceptance Est. Value and Current Disposition or Location</u>	<u>Identity of Foreign Donor and Government</u>	<u>Circumstances Justifying Acceptance</u>
Frank Church, U.S. Senator	Acceptance in early 1979 of 5'x8' Moroccan rug, Moderne design, white with blue and tan, exceeding \$100 in value deposited with Secretary of the Senate for transmittal to the Commission on Art and Antiquities of the United States Senate. Requested and given approval by the Select Committee on Ethics on June 28, 1979 for official use of item during tenure in Senate.	King Hassan II of Morocco through Ambassador Bengelloun	Refusal would likely cause offense or embarrassment
Frank Church, U.S. Senator	Acceptance on February 27, 1979 of a 3½"x8½" sterling silver cigarette box engraved with Thai dancers including a blue, velvet-lined presentation case with an estimated value of \$275.00. Deposited with Office of the Secretary of the Senate. Requested and given approval by the Select Committee on Ethics on June 28, 1979 for official use of item during tenure in Senate.	Prime Minister of Thailand through the Embassy of Thailand	Refusal would likely cause offense or embarrassment to the donor
Thomas F. Eagleton, U.S. Senator	Acceptance on May 17, 1979 of Medal of St. Barnabas; value in excess of \$100; deposited with Secretary of the Senate.	Archbishop Chrysostomos of Cyprus	Refusal to accept may have caused offense or embarrassment
Mark O. Hatfield, U.S. Senator	Acceptance on April 3, 1979 of wristwatch with an estimated fair market value in U.S. of \$350.00. Deposited with the Secretary of the Senate for disposition by the U.S. Senate Commission on Art and Antiquities.	King Khalid of Saudi Arabia through Ambassador Ali Abdallah Alireza	Refusal would likely cause offense or embarrassment to the donor
Edward M. Kennedy, U.S. Senator	Acceptance of Medal of St. Barnabas; presented in May of 1979; estimated value in U.S. in excess of \$100; deposited with Secretary of the Senate.	Archbishop of Cyprus at the request of the Government of Cyprus	Refusal would likely cause offense or embarrassment
Carl Levin, U.S. Senator	Acceptance in May, 1979 of box of cigars; \$100 - \$300 estimated value; deposited with Secretary of the Senate.	President of the Government of Panama	Refusal would likely cause offense or embarrassment
Claiborne Pell, U.S. Senator	Acceptance of gold Medal of St. Barnabas; value in excess of \$100; deposited with Secretary of the Senate.	Archbishop Chrysostomos of Cyprus acting on behalf of the Government of Cyprus	Refusal would likely cause offense or embarrassment
Paul S. Sarbanes, U.S. Senator	Acceptance on May 17, 1979 of Medal of St. Barnabas; value in excess of \$100; deposited with Secretary of the Senate.	Archbishop Chrysostomos of Cyprus	Refusal would likely cause offense or embarrassment

TRAVEL OR EXPENSES OF TRAVEL

<u>Name and Title of Recipient</u>	<u>Brief Description of Travel or Travel Expenses Occurring Entirely Outside United States</u>	<u>Identity of Foreign Donor and Government</u>	<u>Circumstances Justifying Acceptance</u>
Robert S. Foist, Legislative Aide to Claiborne Pell, U.S. Senator	Air travel from Montreal to La Grande to Montreal, Canada; ground transportation; hotel accommodations; and luncheon in connection with attendance at dedication ceremonies for the James Bay Hydroelectric Complex on October 27, 1979.	Government of Quebec	Refusal would likely cause offense or embarrassment
Carroll Leggett, Administrative Assistant to Robert Morgan, U.S. Senator	August 4-18, 1979; air transportation from Toyko, Japan to Beijing to Hangzhou, People's Republic of China; rail transportation from Hangzhou to Shanghai to Wuxi to Shanghai, PRC; air transportation from Shanghai to Beijing to Toyko, Japan.	Government of the People's Republic of China	Refusal would likely cause offense or embarrassment
Adlai E. Stevenson, III, U.S. Senator	August 23 - August 27, 1979; meals and transportation by car in Sophia, Bulgaria; transportation by airplane, helicopter, and car, meals and lodging for a weekend trip to Silistra, Varna, Plovdiv, and Villica Turnova, Bulgaria to meet with President Tudor Zhivkov and to study Bulgarian economic and political policies.	Officials of Government of Bulgaria	Refusal would have given offense to the Bulgarian state and caused embarrassment to the United States
Elizabeth Taylor Warner, wife of John W. Warner, U.S. Senator	September 18, 1979; air transportation from Alexandria, Egypt to Tel Aviv, Israel	President Anwar Sadat, Government of Egypt	Request of President Sadat to extend visit in Egypt and visit city of Alexandria. Refusal would likely cause offense or embarrassment

AGENCY: U. S. HOUSE OF REPRESENTATIVES (GIFTS)

Name and Title of Recipient	Gift, Date of Acceptance, Estimated Value & Current Disposition or Location	Identity of Foreign Donor & Government	Circumstances Justifying Acceptance
John Brademas, Member of Congress	Medal of Saint Barnabas. Rec'd May 17, 1979. Over \$100. Retained for official use in Office of Majority Whip.	Archbishop of Cyprus	Accepted under subsection (c) of Section 7342 of title 5, U.S.C.
Cardiss Collins, Member of Congress	Gold pendant on gold chain. Rec'd July 1978. Approx. \$545. Deposited with Clerk of the House.	Government of Mali	Non-acceptance would have caused embarrassment to donor.
Clarence D. Long, Member of Congress	Oriental rug. Rec'd Aug. 1979. Approx. \$360. Deposited with Clerk of the House	His Excellency Muhammad Ziaul Huq, President of Pakistan.	Accepted under subsection (c) of Section 7342 of title 5, U.S.C.
Benjamin S. Rosenthal, Member of Congress	Metal of Saint Barnabas. Rec'd May 17, 1979. Over \$100. Deposited with Clerk of the House.	Archbishop of Cyprus	Accepted under subsection (c) of Section 7342 of title 5, U.S.C.
James H. Schauer, Member of Congress	Man's watch and ladies gold dinner ring. Rec'd Dec. 5, 1978. Over \$100. Deposited with Clerk of the House.	Princess Basmah, Jordan	Non-acceptance would have caused embarrassment to donor.
Jim Wright, Member of Congress	54" x 8' rug. Rec'd Dec. 1978. Over \$100. Deposited with Clerk of the House.	His Majesty King Hassan, Morocco	Non-acceptance would have caused embarrassment to donor.

AGENCY: U. S. HOUSE OF REPRESENTATIVES

(TRAVEL/TRAVEL EXPENSES)

Name & Position of Employee

Brief Description of Travel or Travel Expenses Taken Place Entirely Outside of U. S.

Circumstances Justifying Acceptance

Identity of Foreign Donor & Government

Corinne C. Hogg, Member of Congress

^a Vehicle transportation around city of Phnom Penh. Nov. 12, 1979

Congressional Delegation to inspect orphanage, school, & hospital

Peoples Republic of Kampuchea (Heng Samrin)

Billy Lee Evans, Member of Congress

^b Jeep ride along China/Vietnam border. Feb. 22-24, 1979

Congressional Delegation to observe hostilities & impact on civilian population.

Vietnam

Hamilton Fish, Member of Congress

Fixed wing aircraft in Malaysia and marine launch around Hong Kong harbor.

Congressional Delegation to inspect conditions in refugee camps.

Malaysia and Hong Kong.

Margaret M. Heckler, Member of Congress

See Ref. a

Elizabeth Holtzman, Member of Congress

See Ref. a

Elizabeth Holtzman, Member of Congress

See Ref. b

James A. Mattox, Member of Congress

Surface transportation provided in and around Taipei, Dec. 15-24, 1978

Non-acceptance would have caused embarrassment to donor.

Government of Taiwan

Barbara A. Mikulski, Member of Congress

See Ref. a

Patricia Schroeder, Member of Congress

See Ref. a

Olympia J. Snowe, Member of Congress

See Ref. a

(TRAVEL/TRAVEL EXPENSES)

AGENCY: U. S. HOUSE OF REPRESENTATIVES

Name & Position of Employee	Brief Description of Travel or Travel Expenses Taken Place Entirely Outside of U.S.	Circumstances Justifying Acceptance	Identity of Foreign Donor & Government
William A. Alfano, Staff of Rep. Robert W. Daniel, Jr.	c Round trip bus transportation between Ottawa and Montreal, Canada and \$275 (Canadian) for travel reimbursements. Nov. 22-29, 1979	Invitation of Canadian Dept. of External Affairs to Staff Members of Republican Communications Assn.	Canada - J. deQuimper, Dept. of External Affairs
Sally Brown, Staff of Rep. Patricia Schroeder	d Helicopter transportation from Bangkok to Aranyaprathet. Nov. 11, 1979	Congressional delegation to inspect Cambodian refugee camps.	Royal Thai Government
Sally Brown, Staff of Rep. Patricia Schroeder	See Ref. a		
Garner J. Clite, Committee on the Judiciary	See Ref. b		
Dixie Lee Dod, Staff of Rep. Keith Sebelius	See Ref. c		
John Irwin Doherty, Staff of Rep. Robert J. Agnew	See Ref. c		
Arthur P. Endres, Jr., Committee on the Judiciary	See Ref. b		
Arthur P. Endres, Jr., Committee on the Judiciary	See Ref. d		
Roger C. Hoover, Staff of Rep. John Buchanan	See Ref. c		
Alan D. Jaber, Staff of Rep. F. James Sensenbrenner	See Ref. c		
Billie Gay Laison, Office of The Speaker	See Ref. d		
Billie Gay Laison, Office of The Speaker	See Ref. a		
Janean L. Mann, Committee on Foreign Affairs	See Ref. d		
Wm. J. Menckow, Jr., Staff of Rep. Daniel B. Crane	See Ref. c		
Billy E. Musgrave, II, Staff of Rep. E. Thomas Coleman	See Ref. c		
Wendy G. Menard, Staff of Rep. Robert W. Javis	See Ref. c		
William G. Norton, Staff of Rep. John I. Rousselot	See Ref. c		
Brian G. O'Grady, Staff of Rep. George V. Jansen	See Ref. c		
John M. Roberts, Staff of Rep. Norman F. Lent	See Ref. c		
James J. Schweitzer, Committee on the Judiciary	See Ref. d		
James J. Schweitzer, Committee on the Judiciary	See Ref. a		
Arthur Steir, III, Committee on Ways & Means	Meals & travel provided in Japan, Nov. 17-26, 1979	Fact-finding mission and speaking tour	Japan - Policy Study Group
Sharon E. Stornes, Staff of Rep. Clarence J. Brown	See Ref. c		
Christine E. Sullivan, Office of The Speaker	See Ref. d		
Christine E. Sullivan, Office of The Speaker	See Ref. a		

TANGIBLE GIFTS

Administrative Office of the United States Courts

<u>Name and Title of Recipient</u>	<u>Gift, Date of Acceptance Est. Value and Current Disposition or Location</u>	<u>Identity of Foreign Donor and Government</u>	<u>Circumstances Justifying Acceptance</u>
Mrs. Roland E. Dahlin, II Spouse of Federal Public Defender for the Southern District of Texas	Gold brooch, accepted Sept. 15, 1979. Estimated value is \$350. Now located on display at United States Courthouse, Houston, Texas.	Republic of Mexico	Gift was presented at reception celebrating independence of Mexico, to which recipient and her husband were invited as result of his work in representing imprisoned Mexican nationals seeking transfer to Mexico under Treaty on Execution of Penal Sentences. See 18 U.S.C. §§4107 and 4109(1).

TRAVEL AND EXPENSES OF TRAVEL

Administrative Office of the United States Courts

<u>Name and Title of Recipient</u>	<u>Brief Description of Travel or Travel Expenses Occuring Entirely Outside United States</u>	<u>Identity of Foreign Donor and Government</u>	<u>Circumstances Justifying Acceptance</u>
Malcolm R. Wilkey Circuit Judge, U. S. Court of Appeals for the District of Columbia Circuit	Official guest of Association of Soviet Lawyers, June 18-30, 1979. Travel, lodging, and subsistence expenses paid in estimated amount of \$850.	Association of Soviet Lawyers, Soviet Union	Member of American delegation headed by Attorney General

FORMAT FOR REPORTING TANGIBLE GIFTS

AGENCY: Agency for International DevelopmentName and Title
of RecipientGift, Date of Acceptance
Estimated Value and Current
Disposition or LocationIdentity of Foreign
Donor and GovernmentCircumstances Justifying
AcceptancePatrick D. Demongeot
General Development Officer,
USAID/Tunisia.William F. Gelabert
Director, Office of Technical
Support, Bureau for Near East,
AID/Washington

Three small hand-made carpets were offered to each of the employees on May 21-22, 1979. The carpets are valued at approximately \$100 for each of the four smaller ones and \$200 for each of the two larger ones. The carpets have been retained for official use by USAID/Tunisia and added to the Mission's inventory of household furnishings.

Government of Tunisia -
Najib Drissi, Governor of
Kasserine; Salah Bhouri,
Governor of Sidi Bou Zid;
and Youssef Saïbi, Governor
of Silihana

Carpets were offered while accompanying Ambassador Stephen W. Bosworth on a visit to Central Tunisia where AID is cooperating with Tunisian Government in an area development program. Larger carpets were offered to, and accepted by, the Ambassador. Therefore, it would have been inappropriate for Messrs. Gelabert and Demongeot to refuse the gifts.

Harry H. Houck
Food for Peace Officer
USAID/Indonesia

Piece of hand loomed cloth - 7/79
Gold ring - 7/79 - both of undetermined value.
These gifts are presently in AID/Washington awaiting appraisal and final disposition.

Governor of West Timor Province,
Indonesia

Gifts were presented upon completion of tour of duty in Indonesia by the "poor people" of Timor and have considerable sentimental value.

FORMAT FOR REPORTING TANGIBLE GIFTS

AGENCY: U.S. Department of Agriculture

Calendar Year 1979

Name and Title of Recipient	Gift, Date of Acceptance Est. Value and Current Disposition or Location	Identity of Foreign Donor and Government	Circumstances Justifying Acceptance
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(List recipients
alphabetically)

None

FORMAT FOR REPORTING TRAVEL OR EXPENSES OF TRAVEL

AGENCY: U.S. Department of Agriculture

Name and Title of Recipient	Brief Description of Travel or Travel Expenses Occurring Entirely Outside United States	Identity of Foreign Donor and Government	Circumstances Justifying Acceptance
(List recipients alphabetically)			
Dalrymple, Dana G.	Airfare \$ 938 (Roundtrip tourist) Room 51 (includes breakfast) Meals 411 (estimate) Total \$1,400	German Foundation for International Develop- ment and German Agency for Technical Cooperation	Mr. Dalrymple was an official participant in the International Conference on Agricultural Production, Research and Development Strategies for the 1980's which was held in Bonn, Germany, Oct. 7-12, 1979. His participation at this conference was consistent with the interests of the OICD and the Department of Agriculture.
Agricultural Economist Foreign Agricultural Service			

LIST OF FOREIGN GIFTS FOR CALENDAR YEAR 1979

AGENCY: USAF

Name and Title of Recipient	Gift, Date of Acceptance, Estimated Value and Current Disposition or Location	Identity of Foreign Donor and Government	Circumstances Justifying Acceptance
General Lew Allen, Jr., Chief of Staff, USAF	1. Two ivory tusks mounted on bases received 26 Feb 79. Esti- mated value in excess of \$100. Turned in for disposition to and are on display at AFMPC/MPCASA2, Randolph AFB TX 78148. 2. One embroidered silk screen (67" x 57") received in May 79. Estimated Value: \$350. 3. One ladies' silver bracelet received 28 Aug 79. Estimated Value: \$300. 4. One ladies' silver necklace received 28 Aug 79. Estimated Value: \$200. 5. One plate made of brass, copper, and silver received 28 Aug 79. Est Value: \$1,000. 6. One decanter, silver with gold leafing received 30 Oct 79. Estimated Value: \$1,500. Items 2-6 above are on display in Qtrs 7, Ft Myer VA 22211 for duration of Gen Allen's term as Chief of Staff, USAF, after which time they will be forwarded to AFMPC/MPCASA2 for disposition.	1. Presented by Air Vice Marshal John Nmadu Yisa Doko, Chief of Air Staff, Nigerian Air Force. 2. Presented by General and Mrs Choo Young Bock, Chief of Staff, Korean AF. Items 3, 4, and 5 pre- sented by Lt Gen Badawi, Chief of Staff, Egyptian Armed Forces. 6. Presented by Lt Gen Asaad Al-Zuhair, Chief of Staff, Saudi Arabian AF.	All items in this report were tendered as official courtesies. Refusal would have caused offense, embarrassment and adversely affected foreign relations of the United States.
Lt Gen James D. Hughes, Commander in Chief, Pacific Air Forces, and Mrs Hughes	7. Two Seiko Quartz watches received 19 Nov 79. Estimated Value in excess of \$100. Authorized to be retained in possession of Gen and Mrs Hughes for duration of his term as Commander in Chief, PACAF, after which time the watches will be forwarded to AFMPC/ MPCASA2 for disposition.	7. Presented by General Ryoichi Yamada, Chief of Staff, Japan Air Self Defense Force.	All items in this report were tendered as official courtesies. Refusal would have caused offense, embarrassment and adversely affected foreign relations of the United States.

FORMAT FOR REPORTING TANGIBLE GIFTS

AGENCY: Department of the Army

<u>Name and Title of Recipient</u>	<u>Gift, Date of Acceptance Est. Value and Current Disposition or Location</u>	<u>Identity of Foreign Donor and Government</u>	<u>Circumstances Justifying Acceptance</u>
Major Richard S. Bassett; Adjutant General US Military Academy	Rolex Oyster Watch, model #1500 with Saudi Arabia national crest on face; 4 December 1978; \$700; US Army Military Personnel Center, Room 3S63, Hoffman Building, Alexandria, VA	Lieutenant General Abdul Rahman al-Sheikh, Commander, Land Forces, Saudia Arabia	To preclude potential embarrassment to US Government and govern- ment of donor.
Mrs. John R. Guthrie, Wife of General John R. Guthrie, Commander, US Army Materiel Development and Readiness Command	Seiko Quartz Ladies watch model number YF011M, serial number 870609, 11 May 79 \$165; US Army Military Personnel Center, Room 3S63, Hoffman Building, Alexandria, VA	Lieutenant General (Ret) Hisamoto Matsukane, Advisor to Japan Steel Works; Japan	To preclude potential embarrassment to US Government and govern- ment of donor.
Mrs. John R. Guthrie, wife of General John R. Guthrie, Commander, US Army Materiel Development and Readiness Command	Sterling silver brooch with eleven pearls; 23 May 1979; \$150; US Army Military Personnel Center, Room 3S63 Hoffman Building, Alexandria, VA	General S. Nagano, Chief of Staff, Ground Self Defense Force; Japan	To preclude potential embarrassment to US Government and govern- ment of donor.
Mrs. Henry H. Harper, wife of Brigadier General Henry H. Harper; Depatch Commander US Army Armament Materiel Readiness Command	Seiko Quartz Ladies watch, model number YF011M, serial number 870281; 14 May 1979; \$165; US Army Military Personnel Center, Room 3S63, Hoffman Building, Alexandria, VA	Lieutenant General (Ret) Hisamoto Matsukane, Advisor to Japan Steel Works; Japan	To preclude potential embarrassment to US Government and govern- ment of donor.

TANGIBLE GIFTS RECEIVED DURING CY-79

Central Intelligence Agency

<u>Name and Title of Recipient</u>	<u>Gift, Date of Acceptance, Estimated Value, Current Disposition or Location of Gift</u>	<u>Identity of Foreign Donor and Government</u>	<u>Circumstances Justifying Acceptance</u>
1. Frank Carlucci Deputy Director	Six-piece setting pottery tableware, coffee pot, cream/sugar set, candlesticks, jar, some pieces damaged; January 79; estimated value \$250.00; reported to GSA and presently held pending disposition.	Public Law 95-105 A(F)(4).	Non-acceptance would have caused embar- rassment to donor.
2. Frank Carlucci Deputy Director	One 12" diameter lacquer tray; one 10" diameter flute- edge silver dish; one set silver jewelry-bracelet/brooch/ necklace; December 1978*; estimated value \$150.00; to be reported to GSA.	" "	Non-acceptance would have caused embar- rassment to donor.
3. Stansfield Turner Director	Gilded silver replica of palm tree and crossed swords with silver calligraphy on top; nine-piece silver coffee set- vermeil repousse; 20 September 1979; estimated value \$3700.00; to be forwarded to GSA.	" "	Non-acceptance would have caused embar- rassment to donor.
4. Stansfield Turner Director	One 11 1/2" diameter silver tray; one boleadora; one snakeskin purse; November 1979; estimated value \$260.00; retained for official display.	" "	Non-acceptance would have caused embar- rassment to donor.
5. Stansfield Turner Director	Two carved wooden heads; Mexican sterling silver set- choker and bracelet; one bound volume "Coleccion Prehispanica"; one paperback "The Maya"; 11 October 79; estimated value \$150.00; retained for official display.	" "	Non acceptance would have caused embar- rassment to donor.
6. Stansfield Turner Director	Carved ivory vase, sailboat and giraffe (damaged); ladies three-piece ensemble of fur-trimmed clutch purse, spiraling ivory ring, horsehair necklace with gold mounts and two animal teeth; 16 October 1979; estimated value \$175.00; to be forwarded to GSA.	" "	Non-acceptance would have caused embar- rassment to donor.
7. Stansfield Turner Director	Raw malachite ashtray, 8" x 7" x 3"; 21 June 1979; estimated value \$225.00; retained for official display.	" "	Non-acceptance would have caused embar- rassment to donor.
8. Agency employee	One 6' x 9' blue oriental rug; October 78*; estimated value \$400.00; retained for official display.	" "	Non-acceptance would have caused embar- rassment to donor.

*Items were reported after 31 January 1979.

TANGIBLE GIFTS

U. S. DEPARTMENT OF COMMERCE

<u>Name and Title of Recipient</u>	<u>Gift, Date of Acceptance Est. Value and Current Disposition or Location</u>	<u>Identity of Foreign Donor and Government</u>	<u>Circumstances Justifying Acceptance</u>
HENRY GELLEY, Asst. Secy/ Communications & Information	Pearl on Gold Chain \$150; reported to GSA and being held by Commerce	Japan	Presented on official visit
JUANITA KREIS Secretary of Commerce	20 yards of brown and gold paisley print silk material \$200 February 1979; reported to GSA & being held at Commerce	People's Republic of China	Presented at time of Vice Premier Deng's visit to the U. S.
	Cloisonne vase on teakwood base \$1,000, February 1979; reported to GSA and being held at Commerce	People's Republic of China	Presented at time of Vice Premier Deng's visit to the U. S.
	Pair of silver plated decorative or ceremonial pieces. \$150; March 31, 1979; reported to GSA & being held at Commerce	Prime Minister Hedi Nouria, Tunisia	Secretary Krep's official visit to Tunisia
	Beige rug with brown & orange design 8'x 5'8"; April 1979; \$500; reported to GSA and being held at Commerce	M. Azzedine Guessous Minister of Commerce & Industry, Morocco	Secy Krep's official visit to Morocco
	12 inch brown Mashiko plate made by Tatsuzo Shimaoka; October 1979; \$150; reported to GSA and being held at Commerce	Masumi Esaki, Minister of International Trade & Industry, Japan	Sent by mail to the Secy from the Minister
	8 1/2 x 5" lacquered box black with yellow & orange scene, December 1977; \$200; reported to GSA and being held at Commerce	Sergey A. Murtumov Commercial Minister USSR	Christmas Gift, 1977
LUTHER HODGIS Deputy Secretary of Commerce	10 1/2 inch Mashiko plate, gray & brown, October 1979, \$125; reported to GSA and being held at Commerce	Masumi Esaki, Minister of International Trade & Industry, Japan	Sent by mail to the Deputy Secretary from the Minister

FORMAT FOR REPORTING TANGIBLE GIFTSAGENCY: Department of Defense

<u>Name and Title of Recipient</u>	<u>Gift, Date of Acceptance Est. Value and Current Disposition or Location</u>	<u>Identity of Foreign Donor and Government</u>	<u>Circumstances Justifying Acceptance</u>
Harold Brown Secretary of Defense	German-made Rifle February 11, 1979 Over \$100 In office vault	Prince Sultan, Minister of Defense of the Kingdom of Saudi Arabia	Non-acceptance would have caused embarrassment to donor.
	3 Arab Art Books with Wood Book Stand. Books are 20" x 25", with hard cover. Stand is 19" x 15". February 12, 1979 Over \$100 Donated to Freer Gallery of Art - January 22, 1980	Prince Bandar, Kingdom of Saudi Arabia	Non-acceptance would have caused embarrassment to donor.
	Miquelet Flintlock Pistol in case May 16, 1979 Over \$100 In office vault	Vice President of Spain Mellado and MoD of Spain Sahagun	Non-acceptance would have caused embarrassment to donor.
Mrs. Harold Brown, wife of Secretary of Defense	Diamond necklace February 11, 1979 Appraised: \$25,000 Donated to Smithsonian Institution - January 22, 1980	Prince Sultan, Minister of Defense of the Kingdom of Saudi Arabia	Non-acceptance would have caused embarrassment to donor.

FORMAT FOR REPORTING TANGIBLE GIFTSAGENCY: Department of Defense

<u>Name and Title of Recipient</u>	<u>Gift, Date of Acceptance Est. Value and Current Disposition or Location</u>	<u>Identity of Foreign Donor and Government</u>	<u>Circumstances Justifying Acceptance</u>
Harold Brown Secretary of Defense	Wooden tea cart October 1, 1979 Over \$100 Retained in the Office of the Secretary of Defense for official display. Presently in Room 3E921, The Pentagon.	President Tolbert of Liberia	Non-acceptance would have caused embarrass- ment to donor.
	Bronze Egyptian tray, with design of man on chariot February 17, 1979 Over \$100 Retained for official display. Presently in showcase across from the Secretary's office.	Commander, 93rd Air Missile Brigade Cairo, Egypt	Non-acceptance would have caused embarrass- ment to donor.
	Korean Gold Crown (in glass), A. D. 500-513 Silla Dynasty, National Treasure No. 87 July 26, 1978 Retained for official display in the Secretary's office.	MOD of Korea Ro	Non-acceptance would have caused embarrass- ment to donor.
W. Graham Claytor, Jr., Deputy Secretary of Defense, and Mrs. Claytor	Tray, Egyptian, gold, silver and bronze August 29, 1979 Over \$100 Displayed in Mr. Claytor's office on dining table.	Chairman, Joint Chiefs of Staff, for Egypt	Non-acceptance would have caused embar- rassment to donor.
	Statue of Lady with Water Jug, Bone September 11, 1979 Over \$100 Displayed in Mr. Claytor's office on left end table by sofa.	President Mobutu of Zaire	Non-acceptance would have caused embar- rassment to donor.
	Plate, colorful black with mother-of-pearl inlay October 9, 1979 Over \$100 Retained in Mr. Claytor's safe for the time being.	Major General Gamal, Assistant Minister of Defense for Egypt	Non-acceptance would have caused embar- rassment to donor.

FORMAT FOR REPORTING TANGIBLE GIFTSAGENCY: Department of Defense

<u>Name and Title of Recipient</u>	<u>Gift, Date of Acceptance, Est. Value and Current Disposition or Location</u>	<u>Identity of Foreign Donor and Government</u>	<u>Circumstances Justifying Acceptance</u>
Franklin D. Kramer Special Assistant to Assistant Secretary of Defense (International Security Affairs)	1 wooden box (10" x 6" x 3"), inlaid with Egyptian motif on 5 sides, red velvet lined. April 10, 1979 Cairo, Egypt Over \$100 Stored in Office, Deputy Assistant Secretary of Defense (Admin- istration), Room 3E843, The Pentagon. Reported to GSA on November 21, 1979.	Egyptian Minister of Defense, Minister Ali	Non-acceptance would have caused embarrass- ment to donor.
David E. McGiffert Principal Deputy Under Secretary of Defense for Policy and Assistant Secretary of Defense (International Security Affairs)	2 alabaster candelabra August 13, 1979, Cairo, Egypt Over \$100 Stored in Space Management and Services Directorate, Washington Headquarters Services, Room 3C345, The Pentagon.	Egyptian Minister of Defense, Minister Ali	Non-acceptance would have caused embarrass- ment to donor.
	1 bronze and alloy tray, approx. 12" x 22", engraved with Egyptian motif December 17, 1979, Wash., D.C. Over \$100 Stored in Space Management and Services Directorate (see above).	Military Attaches of Egypt	Non-acceptance would have caused embarrass- ment to donor.

FORMAT FOR REPORTING TANGIBLE GIFTSAGENCY: Defense Communications Agency

<u>Name and Title of Recipient</u>	<u>Gift, Date of Acceptance, Est. Value and Current Disposition or Location</u>	<u>Identity of Foreign Donor and Government</u>	<u>Circumstances Justifying Acceptance</u>
(List recipients alphabetically)			
Samuel L. Gravely, Jr. Vice Admiral, USN Director	Pearl bracelet; February 1979; \$500; displayed in DCA front lobby	President, Kokusai Denshin Denwa, LTD, Tokyo, Japan	Accepted on behalf of US Government. Refusal would cause offense or embarrassment. Agency approvals obtained April 1979.

FORMAT FOR REPORTING TRAVEL OR EXPENSES OF TRAVEL

AGENCY: _____

<u>Name and Title of Recipient</u>	<u>Brief Description of Travel or Travel Expenses Occurring Entirely Outside United States</u>	<u>Identity of Foreign Donor and Government</u>	<u>Circumstances Justifying Acceptance</u>
(List recipients alphabetically)			

N/A

EXPORT-IMPORT BANK OF THE UNITED STATES

TANGIBLE GIFTS

<u>Name and Title of Recipient</u>	<u>Gift, Date of Acceptance</u> <u>Estimated Value and Current</u> <u>Disposition or Location</u>	<u>Identity of Foreign Donor and Government</u>	<u>Circumstances Justifying Acceptance</u>
1. John L. Moore, Jr. President and Chairman	Porcelain Tea Set, 8/16/79 Est. Value - \$250 - 300 Retained at Bank for Official Use.	National Bank of Hungary	Chairman on Official Bank business.
2. John L. Moore, Jr. President and Chairman	Necklace of Silver and Amber Pendant, 8/16/79, Est. Value - \$250 To be turned in to GSA for disposition.	Prime Minister of Poland	Chairman on Official Bank business.
3. John L. Moore, Jr. President and Chairman	Ivory Bust, 11/14/79 Est. Value - \$250 Retained at Bank for Official Use.	National Firm for Petroleum Operations of the Ivory Coast	Chairman on Official Bank business.
4. John L. Moore, Jr. President and Chairman	Silver Tray, 11/30/79 Est. Value - \$300 Retained at Bank for Official Use.	Chairman Nambiar, State Bank of India	Chairman on Official Bank business.

Report of Travel or Expenses of Travel
(P.L. 95-105)

U.S. GENERAL ACCOUNTING OFFICE

<u>Name and Title of Recipient</u>	<u>Description of Travel or Travel Expenses Occurring Entirely Outside United States</u>	<u>Identity of Foreign Gov't.</u>	<u>Circumstances Justifying Acceptance</u>
John F. Belz Mgmt. Analyst	Non-commercial airlight from Kinshasa to Gbadolite, Zaire.	Zaire	President Mobutu requested opportunity to express views on GAO work on foreign military sales and P.L. 480 food program. President Mobutu's views will be included in pertinent reports to Congress.
Brian T. Coniff	Estimated value in excess of \$100 per person.		
Martin F. Cullen			
Susan Gibbs			
Douglas P. Toxopeus			
Gary K. Weeter			

FORMAT FOR REPORTING TANGIBLE GIFTS

AGENCY: NASA

<u>Name and Title of Recipient</u>	<u>Gift, Date of Acceptance</u> <u>Est. Value and Current</u> <u>Disposition or Location</u>	<u>Identity of Foreign Donor and Government</u>	<u>Circumstances Justifying Acceptance</u>
(List recipients alphabetically)			

None

FORMAT FOR REPORTING TRAVEL OR EXPENSES OF TRAVEL

AGENCY: NASA

<u>Name and Title of Recipient</u>	<u>Brief Description of Travel or Travel Expenses Occurring Entirely Outside United States</u>	<u>Identity of Foreign Donor and Government</u>	<u>Circumstances Justifying Acceptance</u>
(List recipients alphabetically)			

Jaffe, Leonard
Special Assistant
to the NASA Chief
Engineer

in-country travel, food
and lodging in PRC.
Nov 1-17, 1979

Chinese Society of
Astronautics

Traveled as deputy head of American Institute of Astronautics and Aeronautics (AIAA) delegation on private passport as private citizen. Paid own international travel. Chinese hosted whole AIAA delegation. Not possible to separate his share.

AGENCY: National Endowment for the ArtsFOREIGN GIFTS OF TRAVEL/TRAVEL EXPENSES

<u>Recipient</u>	<u>Description of Travel/ Travel Expenses</u>	<u>Identity of Foreign Donor and Government</u>	<u>Circumstances Justifying Acceptance</u>
Kathleen Bannon International Program Officer	Approx. \$2,000.00 to cover transportation and other related travel expenses (hotel accommodations, etc.) in Japan (Tokyo, Nara, Osaka, Kyoto) from March 5-16, 1979	Japan's Ministry of Culture (Bunkacho)-- Japanese Government	Employee met (at the request of the Japanese Government) with members of the Ministry of Culture to discuss Endowment programs: "Japan Today" and artists exchanges.
Harold Horowitz	\$294.00 to cover actual expenses (hotel, meals, etc.) incurred while in Ottawa, Canada from March 28-30, 1979	Statistics Canada was the sponsoring agency and organized meetings with staff of Statistics Canada, the Secretary of State, and the Canada Council on the Arts-- Canadian Government	Employee served as consultant to the Canadian Government to review research methods and results in the U.S. that are relevant to the current research interests of the agencies of Canada that were visited.

FOREIGN GIFTSAGENCY: Navy

<u>Name and Title of Recipient</u>	<u>Gift, Date of Acceptance Est. Value and Current Disposition or Location</u>	<u>Identity of Foreign Donor and Government</u>	<u>Circumstances Justifying Acceptance</u>
Rear Admiral Robert W. Chewning, USN, Director, Politico, Military Division (OP-61)	One knife (blade approximately 5 3/4 inches long) with hand carved handle, enclosed in a hand carved metal case. Accepted on 2 December 1977. Was placed in a file drawer and forgotten until 3 March 1979. Valued at approximately \$150. Knife presently being held in Office of the Chief of Naval Operations (OP-09B19), Room 5E589, Pentagon awaiting further instructions from the General Services Administration.	Presented by Admiral Emilio E. Massey, Commander General of the Argentine Navy	Refusal of gift probably would have caused embarrassment
Admiral Thomas B. Hayward, USN, Chief of Naval Operations.	One Turkish wool carpet (45" X 72"). Brown, blue and gray design on white background. Accepted on 26 February 1979. Valued at approximately \$300. Presently in the custody of the Curator with the understanding that it will be permanently located in Tingey House, the official residence of the Chief of Naval Operations, with the understanding that it will be returned to the Curator of the Navy if, in the future, its use in the above area is no longer desired.	Admiral Bulend Uluu, TN, Commander of Turkish Naval Forces.	Refusal of gift probably would have caused embarrassment
Admiral Alfred J. Whittle, Jr., USN, Chief of Naval Material.	Silver and gold incense burner with display case. Accepted on 21 May 1979. Valued at approximately \$750. Gift is presently on official display in the Office of the Chief of Naval Material.	General Humaid (Minister of Defense) Saudi Arabia.	Refusal of gift would have caused embarrassment.
	Silver and gold tea set with display case. Accepted on 21 May 1979. Valued at approximately \$900. Gift is presently on official display in the Office of the Chief of Naval Material.	General Humaid (Minister of Defense) Saudi Arabia.	Refusal of gift would have caused embarrassment.

United States Postal Service

Name and Title of Recipient	Gift, Date of Acceptance Est. Value and Current Disposition or Location	Identity of Foreign Donor and Government	Circumstances Justifying Acceptance
C. Neil Benson Senior Assistant Postmaster General, Operations Group	18k gold key chain and charm. Received October, 1979. Est. value over \$100. Presently held at Postal Service Headquarters pending disposition.	Adwaldo Cardoso Botto de Barros, President, Brazilian Enterprise of Posts and Telegraphs	Non-acceptance would have been discourteous
F.X. Biglin Senior Assistant Postmaster General, Administration Group	18k gold key chain and charm. Received October, 1979. Est. value over \$100. Presently held at Postal Service Headquarters pending disposition.	Adwaldo Cardoso Botto de Barros, President, Brazilian Enterprise of Posts and Telegraphs	Non-acceptance would have been discourteous
Mr. & Mrs. William F. Bolger, Postmaster General	18k gold key chain and charm. 18k gold neck chain and pendant. Received October, 1979. Est. value - over \$100. Presently held at Postal Service Headquarters pending disposition.	Adwaldo Cardoso Botto de Barros, President, Brazilian Enterprise of Posts and Telegraphs	Non-acceptance would have been discourteous
Michael S. Coughlin Assistant Postmaster General, Mail Processing Department	18k gold key chain and charm. Received October, 1979. Est. value over \$100. Presently held at Postal Service Headquarters pending disposition.	Adwaldo Cardoso Botto de Barros, President, Brazilian Enterprise of Posts and Telegraphs	Non-acceptance would have been discourteous
Mr. & Mrs. Edward J. McCaffrey, Assistant Postmaster General, Rates and Classification Department	18k gold key chain and charm. 18k gold neck chain and pendant. Received October, 1979. Est. value-over \$100. Presently held at Postal Service Headquarters pending disposition.	Adwaldo Cardoso Botto de Barros, President, Brazilian Enterprise of Posts and Telegraphs	Non-acceptance would have been discourteous
Ramon J. Montero Postal Inspector	18k gold key chain and charm. Received October, 1979. Est. value-over \$100. Presently held at Postal Service Headquarters pending disposition.	Adwaldo Cardoso Botto de Barros, President, Brazilian Enterprise of Posts and Telegraphs	Non-acceptance would have been discourteous
Michael J. Regan Manager, International Relations Branch, International Postal Affairs Department	18k gold key chain and charm. 18k gold neck chain and pendant. Received October, 1979. Est. value-over \$100. Presently held at Postal Service Headquarters pending disposition.	Adwaldo Cardoso Botto de Barros, President, Brazilian Enterprise of Posts and Telegraphs	Non-acceptance would have been discourteous
H. Edgar S. Stock Assistant Postmaster General, International Postal Affairs Department	18k gold key chain and charm. Received October, 1979. Est. value-over \$100. Presently held at Postal Service Headquarters pending disposition.	Adwaldo Cardoso Botto de Barros, President, Brazilian Enterprise of Posts and Telegraphs	Non-acceptance would have been discourteous
Augusto L. Vazquez, Postal Inspector	18k gold key chain and charm. Received October, 1979. Est. value-over \$100. Presently held at Postal Service Headquarters pending disposition.	Adwaldo Cardoso Botto de Barros, President, Brazilian Enterprise of Posts and Telegraphs	Non-acceptance would have been discourteous
Edward S. Walker General Manager, International Mail Classification Division, Rates and Classification Department	18k gold key chain and charm. 18k gold neck chain and pendant. Received October, 1979. Est. value-over \$100. Presently held at Postal Service Headquarters pending disposition.	Adwaldo Cardoso Botto de Barros, President, Brazilian Enterprise of Posts and Telegraphs	Non-acceptance would have been discourteous

AGENCY: Office of Science and Technology Policy

<u>Name and Title of Recipient</u>	<u>Gift, Date of Acceptance, Est. Value and Current Disposition or Location</u>	<u>Identity of Foreign Donor and Government</u>	<u>Circumstances Justifying Acceptance</u>
Dr. Arthur Morrissey Senior Policy Analyst	Glazed ceramic vase Recd January 29, 1979 Est. Value - \$125 1/Designated as U.S. Government Property and offered for use by office	Fang Yi Vice Premier of State Council of People's Republic of China	Non-acceptance would have caused embarrassment to donor
Dr. Frank Press Director	Porcelain, amphora-shaped vase Recd January 29, 1979 Est. Value - \$600 Same disposition as 1/ above	Deng Xiaoping Vice Premier of State Council of People's Republic of China	Non-acceptance would have caused embarrassment to donor
Dr. Frank Press Director	Cinnabar vase Recd May 29, 1979 Est. Value - \$200 Same disposition as 1/ above	Shien Kang Minister in Charge of State Economic Commission, State Council, People's Republic of China	Non-acceptance would have caused embarrassment to donor
Dr. Frank Press Director	Oil painting by Demidov Recd May 15, 1979 Est. Value - \$1500 Same disposition as 1/ above	Vladimir A. Kirillin Chairman, US/USSR State Committee for Science and Technology	Non-acceptance would have caused embarrassment to donor
Dr. Frank Press Director	Historical Geographic Atlas, Peru Recd October 16, 1979 Est. Value - Over \$100 but less than \$200 Same disposition as 1/ above	Jorge CHAVEZ Quelopana Brigadier General Chief, National Planning Institute, Peru	Non-acceptance would have caused embarrassment to donor

AGENCY: Department of State

<u>Name and Title of Recipient</u>	<u>Gift, Date of Acceptance, Est. Value and Current Disposition or Location</u>	<u>Identity of Foreign Donor and Government</u>	<u>Circumstances Justifying Acceptance</u>
John Baldadian Special Agent Office of Security	Saudi Arabian gold commemorative coin Recd October 26, 1979 Est. Value - \$175 Delivered to GSA	Sheik Yamani Saudi Arabia	Non-acceptance would have caused embarrassment to donor
Lucy Wilson Benson Under Secretary for Security Assistance, Science & Technology	14K gold Cartier wristwatch - brown lizard strap - Serial 6 058073 Recd November 30, 1979 Est. Value - \$450 Delivered to GSA	A. Farid Eshra Chairman, Arab Industrial Organization, Egypt	To avoid any perceived ingratitude/discourtesy resulting through non-acceptance. An unsuccessful attempt was made to return the gift.
David Botško Office of Security San Francisco Field Office	One (1) \$100 bill (Federal Reserve Note) Recd October 25, 1979 Deposited with U.S. Treasury	Sheik Yamani Oil Minister Saudi Arabia	Unsuccessful attempt made to return gift
Charles R. Chase Office of Security Department of State	One (1) \$100 bill (Federal Reserve Note) Recd August 29, 1979 Deposited with U.S. Treasury	Sheik Yamani Oil Minister Saudi Arabia	Attempts to decline gift were unsuccessful - further effort to refuse would have caused embarrassment to donor
William M. Chornyak Office of Security Resident Agent - Pittsburgh	One (1) \$100 bill (Federal Reserve Note) Recd October 25, 1979 Deposited with U.S. Treasury	Sheik Yamani Oil Minister Saudi Arabia	Attempts to decline gift were unsuccessful - further effort would have caused embarrassment to donor
Warren Christopher Deputy Secretary	Hand woven Moroccan "Artisan" rug, approx 56"x86", red background w/ small design in center and blue floral border Recd January 1979 Est. Value - \$900 Transferred to Blair House for Official Use	Amb. Ali Bengelloun Morocco	Gift delivered following departure of donor on official visit to U.S.

AGENCY: Department of State

<u>Name and Title of Recipient</u>	<u>Gift, Date of Acceptance Est. Value and Current Disposition or Location</u>	<u>Identity of Foreign Donor and Government</u>	<u>Circumstances Justifying Acceptance</u>
Warren Christopher Deputy Secretary	Seiko Quartz clock, approx 10"x 7-1/2", with black & gold Roman numeral face Recd April 30, 1979 Est. Value \$200 Retained for Official Use - 8th Flr. Dining Facilities - Dept. of State	Prime Minister Ohira Japan	Non-acceptance would have caused embarrassment to donor and to USGovt.
Warren Christopher Deputy Secretary	Rug, approx 8'x5', multicolor with beige background "Tree of Life" design Recd May 1979 Est. Value - \$1,500 Retained for official use in office of Donee	President Zia-ul-Huq Pakistan	Non-acceptance would have caused embarrassment to donor and to USGovt.
Warren Christopher Deputy Secretary	Taiwan gold commemorative coin (embossed with bust of Chiang Kai-Shek) Recd January 16, 1979 Est. Value - \$200 Reported to GSA and subsequently transferred to Smithsonian	H.K. Yang Vice Foreign Minister Taiwan	Non-acceptance would have caused embarrassment to donor
Warren Christopher Deputy Secretary	Polaroid SONAR One-step SX-70 Land Camera - Special Edition Recd December 1978 Est. Value - \$200 Reported to GSA and subsequently transferred to Smithsonian	Amb. Ahmed Dia Addin Madfai - Libya	Presented as Xmas gift - rejection would have caused embarrassment to donor
Stephen Cohen Deputy Assistant Secretary Humanitarian Affairs	Green malachite ashtray Recd September 14, 1979 Est. Value - \$150 Delivered to GSA	General Singa Commissioner of Shaba Zaire	Recd on official visit to Zaire - refusal would have caused embarrassment to donor
James T. Cronin, Jr. Special Agent Office of Security	Man's Baume & Mercier watch, No. 662493 37089 - black alligator strap, Roman numeral on face - inscribed to donee Recd December 6, 1978 Est. Value - \$500 Delivered to GSA	Prince Moulay Abdallah Morocco	Delivered following departure of donor - no opportunity to refuse acceptance
James T. Cronin, Jr. Special Agent Office of Security	One (1) \$100 bill (Federal Reserve Note) Recd October 25, 1979 Deposited with U.S. Treasury	Sheik Yamani Oil Minister Saudi Arabia	Unsuccessful attempt made to return gift
Walter L. Cutler U.S. Ambassador Kinshasa, Zaire	Carved ivory tusk, approx 42" long, signed "KPECBIA" Recd May 6, 1979 Est. Value - \$200 Delivered to GSA	President Sese Seko Mobutu - Zaire	Refusal would have caused embarrassment to donor
Mrs. Walter L. Cutler Wife of U.S. Ambassador to Zaire	Malachite necklace, bracelet, earrings and ring in gold filigree setting Recd May 6, 1979 Est. Value - \$400 Delivered to GSA	President Sese Seko Mobutu - Zaire	Refusal would have caused embarrassment to donor
Gary T. Denitto Special Agent Office of Security	Ladies ring, red garnet or ruby stone w/diamond chips off-set on each side of stone - gold setting Recd December 5, 1978 Est. Value - \$450 Delivered to GSA	Prince Abdallah Morocco	Non-acceptance would have caused embarrassment to donor
Gary T. Denitto Special Agent Office of Security	One (1) \$100 bill (Federal Reserve Note) Recd August 29, 1979 Deposited with U.S. Treasury	Sheik Yamani Oil Minister Saudi Arabia	Non-acceptance would have caused embarrassment to donor
Francois M. Dickman U.S. Ambassador to United Arab Emirates	Ceremonial dagger, curved and encased in gold scabbard, enclosed in ivory inlaid wooden case Recd July 1979 Est. Value - Over \$100 Placed on permanent inventory of Embassy for official display	Dr. Mana Sa'id al-Utayba Minister of Petroleum United Arab Emirates	Non-acceptance would have caused embarrassment to donor

AGENCY: Department of State

<u>Name and Title of Recipient</u>	<u>Gift, Date of Acceptance Est. Value and Current Disposition or Location</u>	<u>Identity of Foreign Donor and Government</u>	<u>Circumstances Justifying Acceptance</u>
Kit Dobelle Chief of Protocol	Gold filigree bracelet, approx. 3" wide with 19 stones Recd November 17, 1978 Est. Value - \$4,500 Delivered to GSA	King Hassan II Morocco	Non-acceptance would have caused embarrassment to donor
Kit Dobelle Chief of Protocol	Silver and gold incense burner w/six stones, two green, four blue, approx. 10" tall Recd October 28, 1978 Est. Value - \$2,000 Delivered to GSA	King Khalid Saudi Arabia	Non-acceptance would have caused embarrassment to donor
Kit Dobelle Chief of Protocol	Hand woven Moroccan rug, approx. 12-1/2'x8-1/2', salmon color field w/wide floral border, basically blue Recd December 1978 Est. Value \$1,000 Transferred for official use in Office of Deputy Secretary of State	Amb. Ali Bengelloun on behalf of King of Morocco	Non-acceptance would have caused embarrassment to donor
Evan S. Dobelle Former Chief of Protocol	Antique glass oil bottle of Roman period, 1st Century A.D. - approx. 6-1/2" high Recd March 1977 Est. Value - Over \$100 Delivered to GSA following termination of official use in Office of Chief of Protocol	Yitzhak Rabin Prime Minister of Israel	Non-acceptance would have caused embarrassment to donor
Herman F. Elts U.S. Ambassador to Cairo, Egypt	Cartier silver cigarette lighter, approx. 5" long Recd December 1978 Est. Value - \$150 Delivered to GSA	Dr. Ashraf Marwan Former Head of Arab Organization for Industrialization, Cairo	Non-acceptance would have caused embarrassment to donor
Mrs. Herman F. Elts Wife of U.S. Ambassador to Cairo	Ladies Lanvin wristwatch, gold case, Ref No. 52358/2 Recd December 1978 Est. Value - \$300 Delivered to GSA	Same as above	Same as above
Edwin W. Howard Special Agent Office of Security	Four (4) \$50 bills (Federal Reserve Notes) Recd October 25, 1979 Deposited with U.S. Treasury	Prince of Morocco	All attempts to return gifts met with negative results
Billy Hughes Special Agent Office of Security	Saudi Arabian gold commemorative coin Recd October 26, 1979 Est. Value - \$175 Delivered to GSA	Sheik Yamani Oil Minister Saudi Arabia	Non-acceptance would have caused embarrassment to donor
Henry Kissinger Former Secretary of State	Floral rug, approx. 41"x80" exclusive of fringe, bright red and blue background Approved for official use in Office of Under Secretary of State for Management	Information not available at time of publication	Non-acceptance would have caused embarrassment to donor
Henry Kissinger Former Secretary of State	Oriental rug, approx. 126" x 80" - light and dark blue background, floral design Approved for official use in Office of Under Secretary of State for Management	Information not available at time of publication	Non-acceptance would have caused embarrassment to donor
Mrs. Nancy M. Kissinger Wife of Former Secretary of State	Bib or collar style neckpiece, gold and silver color with 5 blue stones Reported to GSA and stored in Office of Protocol pending disposition by GSA	Information not available at time of publication	Non-acceptance would have caused embarrassment to donor
"	Round silver pin, approx. 2" diameter, sundial design and coral color stone in center Reported to GSA and stored in Office of Protocol pending disposition by GSA	Information not available at time of publication	Non-acceptance would have caused embarrassment to donor

AGENCY: Department of State

<u>Name and Title of Recipient</u>	<u>Gift, Date of Acceptance Est. Value and Current Disposition or Location</u>	<u>Identity of Foreign Donor and Government</u>	<u>Circumstances Justifying Acceptance</u>
Mrs. Nancy M. Kissinger Wife of Former Secretary of State	Heavy necklace of turquoise colored stones and 5 silver filigree baubles; matching bracelet of same stones and silver charms Reported to GSA and stored in Office of Protocol pending disposition by GSA	Information not available at time of publication	Non-acceptance would have caused embarrassment to donor
"	Long chunky necklace with heavy, multicolor stones and 3 gold-colored baubles Reported to GSA and stored in Office of Protocol pending disposition by GSA	Information not available at time of publication	Non-acceptance would have caused embarrassment to donor
"	Bib necklace with multicolor stones in filigree-type setting	Information not available at time of publication	Non-acceptance would have caused embarrassment to donor
William Lamb Special Agent Office of Security	One (1) \$100 bill (Federal Reserve Note) Recd October 25, 1979 Deposited with U.S. Treasury	Sheik Yamani Oil Minister Saudi Arabia	Non-acceptance would have caused embarrassment to donor
Patrick J. Lucey U.S. Ambassador to Mexico	Bronze statue of Morelos (Revolutionary soldier on horseback) - imperfect - sword missing Recd December 1978 Est. Value - Over \$100 Placed on permanent inventory of Embassy for official display	Gen. Felix Galvan Lopez Secretary of Defense Mexico	Non-acceptance would have caused offense to donor
Michael J. Mansfield U.S. Ambassador to Japan	Two wooden chests, approx 2'x 1-1/2' high containing assorted souvenirs Recd February 1979 Placed on personal property inventory of Embassy - Chests to be used for storage	President Marcos Philippines	Non-acceptance would have caused embarrassment to donor
Daniel R. McCarthy Office of Security Department of State	Man's Baume & Mercier watch, No. 809116 37060, black alligator strap, inscribed on back from donor Recd December 5, 1978 Est. Value - 500 Delivered to GSA	H.R.H. Moulay Abdallah Morocco	Non-acceptance would have been considered insult to donor
Mary S. Olmsted U.S. Ambassador to Papua New Guinea	Brown crocodile handbag, approx. 10-1/2" x 8-1/4" (made in France but product of Papua New Guinea) Recd July 27, 1979 Est. Value - \$175 Delivered to GSA	Prime Minister Somare Papua New Guinea	Non-acceptance would have caused embarrassment to donor

AGENCY: Department of State

<u>Name and Title of Recipient</u>	<u>Gift, Date of Acceptance Est. Value and Current Disposition or Location</u>	<u>Identity of Foreign Donor and Government</u>	<u>Circumstances Justifying Acceptance</u>
Robert H. Pelletreau U.S. Ambassador to Bahrain	3 pendants, 20 grams each of fine gold "Credit Suisse" with crest on Bahrain on back, pendant Nos. 000193, 000194 & 000199 - Gifts presented to children of donee Recd September 1979 Est. Value - \$205 each Delivered to GSA	Shaikh Mohammed bin Sulman al-Khalifa Brother of Amir of Bahrain	Non-acceptance would have caused embarrassment to donor
Gordon R. Powers Deputy Chief of Mission Bahrain	Man's Rolex Oyster Perpetual Datejust watch (chronometer) #16013 - Registry No. 5650572 Recd February 1979 Est. Value - \$500 Delivered to GSA	'Isa ibn Salman Al Khalifa Amir of Bahrain	Non-acceptance would have caused embarrassment to donor
Mrs. Gordon R. Powers Wife of Deputy Chief of Mission, Bahrain	Ladies gold and diamond watch, Chopard - serial No. 122656 5092 1 Recd February 1979 Est. Value - \$2,000 Delivered to GSA	'Isa ibn Salmon Al Khalifa Amir of Bahrain	Non-acceptance would have caused embarrassment to donor
Mrs. Gordon R. Powers Wife of Deputy Chief of Mission, Bahrain	Five (5) gold wrist bangles with star design Recd February 1979 Est. Value - \$500 Delivered to GSA	'Isa ibn Salmon Al Khalifa Amir of Bahrain	Non-acceptance would have caused embarrassment to donor
Rozanne L. Ridgway U.S. Ambassador to Finland	Table model loom Recd November 15, 1979 Est. Value - \$140 Delivered to GSA	City of Pieksamaki Finland	Non-acceptance would have caused embarrassment to donors
James W. Symington Former U.S. Member of Congress	Oriental rug, red center, with red blue, beige and green design - approx. 83"x118", exclusive of fringe Recd February 1967 Est. Value - Over \$100 Delivered to GSA following termination of official use in Office of Protocol	King of Morocco	Non-acceptance would have caused embarrassment to donor
Scott Tripp Special Agent Office of Security	One (1) \$100 bill (Federal Reserve Note) Recd August 29, 1979 Deposited with U.S. Treasury	Sheik Yamani Oil Minister Saudi Arabia	Non-acceptance would have caused embarrassment to donor
Leo Urbanik Special Agent Office of Security	One (1) \$100 bill (Federal Reserve Note) Recd August 29, 1979 Deposited with U.S. Treasury	Sheik Yamani Oil Minister Saudi Arabia	Non-acceptance would have caused embarrassment to donor
Cyrus R. Vance Secretary of State	Engraving of Louvre Museum in black and white, approx 18"x22" Recd June 4, 1979 Est. Value - \$125 Delivered to GSA	Foreign Minister Francois-Poncet France	Non-acceptance would have caused embarrassment to donor
Cyrus R. Vance Secretary of State	Russian Palekh box, approx. 10"x7"x3", black with painted cover depicting race of troikas in the snow Recd December 1978 Est. Value \$225 Retained for official use in Office of Chief of Protocol	Amb. Anatoliy Dobrynin USSR	Non-acceptance would have caused embarrassment to donor
Cyrus R. Vance Secretary of State	Make-up kit - C'BON color Collection in brown suede carrying case w/brass fittings, approx 10"x7-1/2"x7" Recd August 29, 1979 Est. Value - \$125 Delivered to GSA	Prime Minister Sunao Sonoda - Japan	Non-acceptance would have caused embarrassment to donor

AGENCY: Department of State

<u>Name and Title of Recipient</u>	<u>Gift, Date of Acceptance Est. Value and Current Disposition or Location</u>	<u>Identity of Foreign Donor and Government</u>	<u>Circumstances Justifying Acceptance</u>
Mrs. Cyrus R. Vance Wife of Secretary of State	Silver fruit bowl with lid, approx. 8" in diameter, inlaid with blue and green non-precious stones Recd September 28, 1979 Est. Value - \$250 Retained for official use in Office of Secretary of State	Mrs. Lopez Portillo Wife of President of Mexico	Non-acceptance would have caused embarrassment to donor

AGENCY: Department of the Treasury

<u>Name and Title of Recipient</u>	<u>Gift, Date of Acceptance Est. Value and Current Disposition or Location</u>	<u>Identity of Foreign Donor and Government</u>	<u>Circumstances Justifying Acceptance</u>
Mr. George Roberts District Director, Customs Service	Seiko Watch Ser. #916108 November 20, 1979 \$207 Submitted to Departmental Protocol Officer for official disposition	Mrs. Imelda R. Marcos First Lady, Republic of the Philippines	Delivered through liaison officer to Governor of Hawaii, in appreciation for courtesies extended her in clearing Customs. Return of the gift was deemed potentially offensive or embarrassing to the Government of the Philippines.

[FR Doc. 80-8872 Filed 3-25-80; 8:45 am]

BILLING CODE 4710-20-C

DEPARTMENT OF THE TREASURY

Customs Service

Reliquidation of Customs Entries Due to Recertification of Certain Exchange Rates Previously Certified by the Federal Reserve Bank of New York

The Secretary of the Treasury has been informed by the Federal Reserve Bank of New York that it plans to recertify certain exchange rates previously certified by the Bank under 31 U.S. Code, Section 372. Specifically, the recertifications involve several infrequently traded currencies covering certifications issued in the first half of 1979 for dates of export between the beginning of 1976 and the middle of 1979, and for certain other currencies of nations which employ multiple exchange rates.

Certified exchange rates are used by the United States Customs Service in the appraisal of merchandise for duty assessment purposes. Conversion is necessary when the appraisal is made in the foreign currency, principally in the relatively unusual situation where the transaction is denominated in the foreign currency, and more importantly, in the past, when the merchandise was on the Final List, T.D. 54521.

The Customs Service believes that some appraisements made in the past on the basis of the exchange rates to be recertified may have been adverse to importers. Moreover, the Customs Service has concluded that some such appraisements were the result of a mistake of fact or other inadvertence not amounting to an error in the construction of a law, and accordingly will entertain requests for reliquidation under Section 520(c) of the Tariff Act of 1930 (19 U.S. Code, Section 1520(c)).

Such requests would be limited to merchandise exported from and appraised in the currency of one of the countries identified below where the matter is brought to Customs attention within 1 year of liquidation. Reliquidation will be based only upon such exchange rates as are recertified by the Federal Reserve Bank of New York for the appropriate date of exportation.

The countries are:

Afghanistan	Kenya
China, Republic of	Korea ¹
(Taiwan)	Mauritius
Costa Rica	Morocco
Czechoslovakia	Nepal
Ghana	Poland
Hungary	Romania
Indonesia	Sierra Leone
Israel	Tunisia
Jamaica	Turkey

¹ The Korean won has already been recertified for the period January 1, 1976—January 14, 1980 at the exchange rate \$0.002070. (LIQ-3-TRODE)

Dated: March 14, 1980.

William T. Archey,

Acting Commissioner of Customs.

[FR Doc. 80-8576 Filed 3-25-80; 8:45 am]

BILLING CODE 4810-22-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Department Circular Public Debt Series No. 12-80]

Treasury Bonds of 1995; Auction

March 21, 1980.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately \$1,500,000,000 of United States securities, designated Treasury Bonds of 1995 (CUSIP No. 912810 CN 6). The securities will be sold at auction with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each acceptance tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued for cash to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Descriptions of Securities

2.1. The securities will be dated April 8, 1980, and will bear interest from that date, payable on a semiannual basis on November 15, 1980, and each subsequent 6 months on May 15 and November 15, until the principal becomes payable. They will mature May 15, 1995, and will not be subject to call for redemption prior to maturity.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000, and \$1,000,000. Book-entry securities will be available to eligible bidders in multiples

of these amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Wednesday, April 2, 1980. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, April 1, 1980.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is \$1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than noncompetitive tender and the amount may not exceed \$1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from

commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5% of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a $\frac{1}{8}$ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 96.250. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be

notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made or completed on or before Tuesday, April 8, 1980, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Friday, April 4, 1980, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Friday, April 4, 1980, if the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered as deposits and in payment for allotted securities are not required to be assigned if the new securities, are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 80-9210 Filed 3-25-80; 8:45 am]

BILLING CODE 4810-40-M

[Supplement to Department Circular Public Debt Series—No. 10-80]**Notes of Series Q-1982; Interest Rate**

March 21, 1980.

The Secretary announced on March 20, 1980, that the interest rate on the notes designated Series Q-1982, described in Department Circular—Public Debt Series—No. 10-80, dated March 13, 1980, will be 15 percent. Interest on the notes will be payable at the rate of 15 percent per annum.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Department procedures applicable to such regulations.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 80-9211 Filed 3-25-80; 8:45 am]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register

Vol. 45, No. 60

Wednesday, March 26, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m. Friday, April 4, 1980.

PLACE: 2033 K Street NW., Washington, D.C. Eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Surveillance briefing.

CONTACT PERSON FOR MORE

INFORMATION: Jane Stuckey, 254-6314.

[S-606-80 Filed 3-24-80; 10:29 am]

BILLING CODE 6351-01-M

2

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, March 27, 1980.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Closed Commission Meeting following Open Meeting which is to commence at 9:30 a.m.

MATTERS TO BE CONSIDERED:

Agenda, Item Number, and Subject

Hearing—1—Motion for relief by distress sale in the Johnstown, New York, broadcast renewal proceeding (BC Docket Nos. 78-353 and 78-354).

Hearing—2—Petition for special relief filed pursuant to the Commission's Distress Sale Policy seeking assignment of Station KBSA(TV), Guasti, California, from Broadcasting Service of America, Inc., to Hispanic Broadcasters, Inc.

Hearing—3—A petition for special relief by distress sale in the Caro, Michigan, AM-

FM renewal broadcast proceeding (BC Docket Nos. 78-214 and 78-216).

Hearing—4—Distress sale proposal to transfer stations WVAM and WVAM-FM to a minority purchaser in Altoona, Pennsylvania, renewal proceeding (BC Docket Nos. 78-254 and 78-255).

Hearing—5—Motion for Extraordinary Relief requesting distress sale relief in Salem, Virginia, AM radio proceeding (Docket No. 21280).

Hearing—6—Petition for expedited approval of renewal and assignment applications in the WTUP, Tupelo, Mississippi, proceeding (Docket No. 21430).

Hearing—7—Petition for Special Relief seeking distress sale of Stations KLBK-TV, KTXS-TV, KMOM-TV and KWAB-TV in the Grayson Enterprises, Inc. renewal proceeding (Docket No. 21283).

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone (202) 632-7260.

Issued: March 21, 1980.

[S-611-80 Filed 3-24-80; 3:43 pm]

BILLING CODE 6712-01-M

3

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, March 27, 1980.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission Meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item Numbers, and Subject

General—1—Title: Second Memorandum Opinion and Order to revise the ban on external radio frequency power amplifiers in the 24 to 35 MHz band (Docket 21116). Summary: The Allegheny County Fire Radio Advisory Board and the Public Safety Communications Council have petitioned the FCC to allow the manufacture and marketing of external radio frequency power amplifiers that operate in the frequency range of 33 to 35 MHz and 30 to 35 MHz, respectively. Both petitioners have argued that such a change would allow the use of hand held transmitters with in-vehicle charger/amplifier units to increase communications effectiveness for operators in the Public Safety, Industrial and Land Transportation Radio Services.

General—2—Title: In re petition by RadioCall, Inc. (RM-2364) for amendment

of Parts 2, 21 and 81 of the FCC's Rules and Regulations. Summary: RadioCall, Inc. has filed a petition with the FCC requesting the reallocation of UHF-TV channel 17 (488-494 MHz) for control and repeater operations in the State of Hawaii. The item before the Commission discusses the merits of that petition.

General—3—Title: Petitions for reconsideration of the First Report and Order—Technical Standards for Computing Devices, FCC Docket 20780. Summary: The Commission considers the subject petitions which request, among other things, the Commission to postpone the implementation date of the new rules for personal computers, data processing equipment and similar electronic equipment.

General—4—Title: Petition for waiver of § 15.120 filed by American Microclert, Inc. on August 14, 1979. Summary: FCC considers petition filed by American Microclert, Inc. to waive § 15.120 to permit marketing of three models of emergency medical alert transmitters. Waiver was requested to permit marketing of these devices during pendency of a rule making proceeding seeking to revise among other things this rule section.

Private Radio—1—Title: Petition to Revoke the Special Emergency Radio Service authorization of John S. Landes, M.D. Petition to Deny the Application for Renewal of the authorization of John S. Landes, M.D. Summary: The FCC has before it petitions from Intrastate Radio Telephone, Inc., of San Francisco to revoke the authorization for the Special Emergency Radio Service paging system licensed to Dr. John S. Landes and cooperatively shared by members of the local medical community, and to deny the application for renewal of this license. The system operates in San Mateo and Santa Clara Counties, California.

Common Carrier—1—Title: Docket No. 21039, Amendment of Part 21 (now Part 22) of the Rules to reflect the availability of land mobile channels in the 470-512 MHz band. Summary: Metropolitan RCC Corporation filed a Petition for Reconsideration of the Commission's October 16, 1978 order (69 FCC 2d 1555). The issues raised include: (1) Whether to increase the number of mobile units initially authorized to operate and whether to increase the maximum traffic loading permissible. (2) Whether to reinstate a time cutoff rule for filing applications. (3) Whether to modify some technical requirements previously adopted.

Common Carrier—2—Title: Elimination of licensing procedure for individual land mobile units in Domestic Public Land Mobile Radio Service. Summary: The FCC is considering eliminating the procedure for licensing individual land mobile units in the Domestic Public Land Mobile Radio Service (DPLMRS). If this is done, all land

mobile units will in the future be covered under the carrier's blanket authorization. An individual who is currently licensed will operate under the license until it expires. If an individual wishes to continue receiving service without individual license, the individual must so inform the carrier before the license expires. The individual, subscriber who furnishes his own mobile unit will be responsible for its installation and maintenance. The FCC will retain its licensing procedure for individual aeronautical mobile units.

Common Carrier—3—Title: Amendment of Part 64, Subpart D, Appendix A—Priority System for the Restoration of Common Carrier Provided Intercity Private Line Services. **Summary:** The Commission is considering amendment of Part 64 of the Rules to provide a new system for assigning priorities for the restoration of vital private line services. This system specifies the order in which common carriers should restore service interrupted during emergencies.

Common Carrier—4—Title: Applications of Service Electric Company and Penn Service Microwave Company, Inc. for renewal of and licenses for point-to-point microwave radio stations. **Summary:** The Commission is considering objections filed by NEP Communications, Inc., Scranton Broadcasters and WBRE-TV, Inc., (all licensees of television stations in Pennsylvania) against the renewal applications of Service Electric and Penn Service Microwave. The broadcasters question the character qualifications of John Walson, the principal owner of these carriers. This item is issued in light of the findings resulting from the evidentiary hearing which examined allegations of the broadcasters that Service Electric Cable TV (also owned by Walson) violated certain cable television rules.

Cable Television—1—Title: Petition for rulemaking (RM-3528) filed by Midwest Cable Inc., requesting the adoption of rule limiting foreign ownership of cable television systems in the U.S. **Summary:** In 1976 the Commission, at the conclusion of a rulemaking proceeding declined to adopt rules limiting foreign ownership of U.S. cable television systems. Midwest Cable Inc. has requested that the Commission now re-evaluate this question and adopt foreign ownership restrictions. The growth in Canadian-owned systems is noted along with argument that cable television system operators now have greater editorial control over the programming they carry. Supporting comments suggest that Canada limits U.S. ownership of cable in Canada so that a policy of reciprocity would be appropriate.

Cable Television—2—Title: Service Electric Cable TV, Inc., et al. Docket No. 20218. **Summary:** Report of Commission's findings regarding Section 403 evidentiary hearing which was held to investigate Service Electric's alleged violations of the Commission's cable television rules.

Assignment and Transfer—1—Title: Applications (1) of Newhouse Broadcasting Corporation for renewal of license of station WAPI-TV, Birmingham, Alabama

and (2) for assignment of the licenses of stations WSYR-TV, Syracuse, New York; WSYE-TV, Elmira, New York; WAPI-TV, Birmingham, Alabama; WTPA-TV, Harrisburg, Pennsylvania; and KTVI-TV, St. Louis, Missouri from Newhouse Broadcasting Corporation to The Times Mirror Company. **Summary:** In connection with the proposed assignments, the Commission will consider issues of multiple ownership, continued parent-satellite status of WSYR-TV and WSYE-TV, tax certificates and citizen agreements.

Renewal—1—Title: Applications for renewal of licenses for stations KAIM and KAIM-FM, Honolulu, Hawaii, filed by Christian Broadcasting Association. **Summary:** A petition to deny these renewal applications was filed by William E. H. Tagupa. Tagupa claims that the stations have failed to implement an Equal Employment Opportunity Program, as evidenced by the complete lack of efforts to recruit minorities for jobs at the stations, and that this violation of our rules proscribes us from renewing the licenses.

Renewal—2—Title: Inquiry into the Employment Practices of Stations Licensed to the Charlotte, North Carolina Market. **Summary:** The petition for reconsideration requests the Commission to revise its equal employment opportunity (EEO) evaluative standards and reconsider the renewal grant of 16 Charlotte stations because of alleged employment discrimination violations.

Renewal—3—Title: EEO Goals and Timetables and Petition for Reconsideration. **Summary:** Agenda item asking the Commission to accept the goals and timetables for Station WEVU(TV), Naples, Florida, grant the Petition for Reconsideration and grant the license renewal application for the remainder of the license term to expire February 1, 1982.

Renewal—4—Title: In re application of Voice of Charlotte Broadcasting Co. for Renewal of License for station WQCC, Charlotte, North Carolina. **Summary:** The Charlotte Broadcast Coalition filed a petition to deny the license renewal of station WQCC, Charlotte, North Carolina because of alleged employment discrimination against women and minorities.

Broadcast—1—Title: Reregulation and Oversight of AM, FM, and TV Broadcast Rules Order. **Summary:** Reregulation and Rules Oversight of Radio and TV Reregulation and Rules Oversight of Radio and TV Broadcasting Order is being considered. The proposed amendments are intended to clarify, contemporize, and correct 40 separate rules. None of the proposed amendments would make substantive changes in broadcast rules relied upon by the public or licensees, some of the changes would simplify procedures used by licensees and the FCC in authorizing certain changes in FM and TV translator station facilities, delete the requirement that stations notify the FCC of chief operator designations, delete the requirement that stations obtain prior FCC approval to rebroadcast certain communications from U.S. Government stations, and modify the operating log keeping requirements for certain broadcast

auxiliary microwave stations. It is proposed to clarify other rules for ease of understanding and use.

Broadcast—2—Title: Report and Order in BC Docket No. 78-252. In the matter of Origination of Solicitations for Contributions by VHF Translators and of Emergency Messages by TV and FM Translators. **Summary:** The National Translator Association filed a Petition for Rule Making requesting that the Commission amend its rules to permit VHF translator stations to originate transmission's soliciting and acknowledging contributions to defray their costs (RM-2739) and to permit both TV and FM translators to originate emergency warnings of imminent danger. (RM-2740). In a Notice of Proposed Rule Making released August 18, 1978, the Commission proposed such changes to Sections 74.731(f) and 74.1231(f) to permit these originations.

Broadcast—3—Title: Memorandum Opinion and Order (Reconsideration) in Docket No. 20539, In the Matter of Amendment of Part 74 to provide for the use of FM microwave by television translator relay stations. **Summary:** In 1977, the Commission adopted amendments to the television translators rules to allow translators to receive programming from any suitable source, such as modulated microwave relay stations, CARS, common carrier facilities, or intercity relays. Report and Order in Docket No. 20539, 67 FCC 2d 209 (1978). This item addresses and disposes of four petitions for reconsideration of that decision.

Broadcast—4—Title: Amendment of procedures and policies for amending the FM Table of Assignments, Section 73.202(b) of the Commission's Rules. **Summary:** Commission proposes to amend its policies and procedures governing the handling of petitions for rulemaking to amend the FM Table of Assignments.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 632-7260.

Issued: March 21, 1980.

[S-612-80 Filed 3-24-80; 3:43 pm]

BILLING CODE 6712-01-M

4

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 19116; March 24, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., March 26, 1980.

CHANGE IN THE MEETING: The following items have been added:

Item Number, Docket Number, and Company
 ER-12—ER78-229, *et al.*, Indiana & Michigan
 Electric Company, *et al.*
 M-13—RM79-44, High Cost Gas.
 M-14—RM80-33, Final Regulations, Part 270,
 Subpart B, Sections 270.201, 202 and 204.
 Kenneth F. Plumb,
 Secretary.

[S-609-80 Filed 3-24-80; 1:13 pm]
 BILLING CODE 6450-85-M

5

FEDERAL RESERVE SYSTEM. Board of Governors.

TIME AND DATE: 10 a.m., Monday, March 31, 1980.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne,
 Assistant to the Board (202) 462-3204.

Dated: March 21, 1980.

Griffith L. Garwood,
 Deputy Secretary of the Board.

[S-607-80 Filed 3-24-80 10:45 am]
 BILLING CODE 6210-01-M

6

NATIONAL CREDIT UNION ADMINISTRATION.

Notice of previously held emergency meeting.

TIME AND DATE: 10:15 a.m., (following recess of the Board from 10:05 a.m. to 10:15 a.m.), Thursday, March 20, 1980.

PLACE: 1776 G Street NW., Seventh floor board room.

STATUS: Closed.

MATTER CONSIDERED: 1. Administrative Action under Section 206 of the Federal Credit Union Act.

BACKGROUND:

The Board unanimously voted that the agency business required that a meeting be held with less than seven days advance notice.

The Board unanimously voted to close the meeting under exemptions (5), (8), (9)(A)(ii) and (10). The General Counsel certified that the meeting could be closed under these exemptions.

FOR MORE INFORMATION CONTACT:

Beatrix D. Fields, Acting Secretary of the Board, telephone (202) 357-1030.

National Credit Union Administration:
 Notice of Meeting.

TIME AND DATE: 2 p.m., Monday, March 31, 1980.

PLACE: 1776 G Street NW., Seventh floor board room.

STATUS: Open.

MATTER TO BE CONSIDERED: 1. Proposed Rule 701.21; Loan Interest Rate Amendments.

FOR MORE INFORMATION CONTACT:

Beatrix D. Fields, Acting Secretary of the Board, telephone (202) 357-1030.

[S-608-80 Filed 3-24-80; 10:47 am]
 BILLING CODE 7535-01-M

7

NEIGHBORHOOD REINVESTMENT CORPORATION.

TIME AND DATE: 2:30 p.m., March 26, 1980.

PLACE: 1700 G Street, NW., Washington, D.C.

STATUS: Closed meeting, Personnel Committee.

CONTACT PERSON FOR MORE INFORMATION:

Timothy McCarthy,
 Assistant Director, Communications.

AGENDA: Approval of Statement of Employee Responsibilities and Conduct.

No. 11 March 21, 1980.

Deborah W. Smith,
 Assistant Secretary.

[S-605-80 Filed 3-21-80; 4:57 pm]
 BILLING CODE None

8

NUCLEAR REGULATORY COMMISSION.

DATE: Week of March 24, 1980 (revised).

PLACE: Commissioners conference room, 1717 H Street NW., Washington, D.C.

STATUS: Open/closed. Monday, March 24.

3 p.m.

1. Discussion of Legislative Testimony (tentative) (approximately 1½ hours, closed—Exemption 9).

Wednesday, March 26.

10 a.m.

1. Briefing on Policy Issues in the Emergency Planning Rule (approximately 1½ hours, public meeting) (previously announced for March 24).

2 p.m.

1. Briefing on Low Power License for North Anna (approximately 1½ hours, public meeting).

2. Affirmation Session (approximately 10 minutes, public meeting): (a) Draft FR Notice on Immediate Effectiveness Study; (b) ENO Determination for TIM; and (c) Reporting of Misadministration of Byproduct Material.

3. Time Reserved for discussion of Affirmation Items (if required) (15 minutes, public meeting).

Thursday, March 27.

2 p.m.

1. Briefing on Enforcement Action (approximately 1½ hours, closed—Exemption).

ADDITIONAL INFORMATION: The Briefing on Interim Actions on Performance Testing for Personnel Dosimetry previously announced for March 24 will be rescheduled for a later time.

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee (202) 634-1410.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR DAILY UPDATE:

(202) 634-1498.

March 21, 1980.

Walter Magee,
 Office of the Secretary.

[S-610-80 Filed 3-24-80; 1:13 pm]
 BILLING CODE 7590-01-M

9

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 12355.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., March 27, 1980.

CHANGES IN THE MEETING: The matters to be discussed at this meeting also will include a discussion of the Commission's case backlog.

Dated: March 24, 1980.

[S-613-80 Filed 3-24-80; 3:47 pm]
 BILLING CODE 7600-01-M

Test Report Federal Register

Wednesday
March 26, 1980

Part II

Department of the Interior

Fish and Wildlife Service

Review of the Status of Shoshone
Sculpin

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Review of the Status of Shoshone Sculpin

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of review.

SUMMARY: The Service has received letters and supporting information from Dr. Peter Bowler indicating that the status of the Shoshone sculpin (*Cottus greeniei*), a native Idaho fish, should be reviewed. Examination of the data submitted by this individual supports this status review. This notice announces that the Service is reviewing the status of the Shoshone sculpin and is soliciting additional comments and informations.

DATES: Comments from the public and other Federal agencies must be received by May 27, 1980. Comments from the Governor of Idaho must be received by June 30, 1980.

ADDRESSES: Interested persons or organizations are requested to submit comments to the Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments and materials relating to this notice are available for public inspection during normal business hours at the Service's Office of Endangered Species, Suite 500, 1000 North Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: For further information on this notice contact Mr. John L. Spinks, Jr., Chief, Office of Endangered Species (703/235-2771).

SUPPLEMENTARY INFORMATION:

Background

The Shoshone sculpin, *Cottus greeniei*, a native Idaho fish is a species endemic to the man Valley in southern Idaho. Its present distribution is restricted to short tributaries of the Snake River in the "Thousand Springs" formation, a spring system existing between Twin Falls and Bliss on the north bank of the Snake River Canyon. The Thousands Springs contribute approximately 6200 cubic feet per second of high quality outflow to the Snake River and comprise much of the volume of the river during certain periods of the year. At the present time, this species is known from segments of ten springs in the Thousand Springs formation; Billingsley Creek, Blue Heart Springs, Briggs Spring, Bickel Spring,

Blind Canyon Spring, Banbury Spring, Riley Creek, Sand Springs Creek, Box Canyon, Lower White Spring, and an unnamed spring. The Shoshone sculpin likely had populations in the free-flowing Snake River prior to the construction of dams. The river probably served as a dispersal corridor for the species. Lower Salmon Falls Dam and Upper Salmon Falls Dam impounded most of the Snake River within the species distribution; Bliss Dam impounded water from a site below Bliss up to the down-river end of the Thousand Springs tributaries. Many of the springs presently inhabited by the sculpin may be adversely altered by proposed water development projects.

The Department is seeking comments from the Governor of Idaho, the only State where this species is known to occur. All other interested parties are hereby invited to submit any factual information which is pertinent to this review.

The primary author of this review is Dr. James D. Williams, U.S. Fish and Wildlife Service, Office of Endangered Species, Washington, D.C. 20240 (phone: 703/235-1975).

This notice is issued under the authority contained in the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*; 87 Stat. 884, 92 Stat. 3751).

Dated: March 18, 1980.

Lynn A. Greenwalt,
Director, Fish and Wildlife Service.

[FR Doc. 80-9086 Filed 3-25-80; 8:45 am]

BILLING CODE 4310-55-M

Federal Register

Wednesday
March 26, 1980

Part III

Department of the Interior

Fish and Wildlife Service

Review of the Status of Bonneville
Cutthroat Trout



DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Review of the Status of Bonneville Cutthroat Trout

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of review.

SUMMARY: The Service has received letters and supporting information from the Desert Fishes Council and the Bonneville Chapter of the American Fisheries Society indicating that the status of the Bonneville cutthroat trout should be reviewed. Examination of the data submitted by these organizations, indicates that substantial evidence has been presented which warrants this review. Based on this review, the Service will determine if a proposal to list this species as endangered or threatened is warranted. The Bonneville cutthroat trout is known to occur in Nevada, Wyoming, and Utah.

DATES: Comments from the public and other Federal agencies must be received by May 27, 1980.

ADDRESSES: Interested persons or organizations are required to submit comments to the Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments and materials relating to this notice are available for public inspection during normal business hours at the Service's OES, Suite 500, 1000 North Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: For further information on this notice contact Mr. John L. Spinks, Jr., Chief, Office of Endangered Species (703/235-2771).

SUPPLEMENTARY INFORMATION:**Background**

The Desert Fishes Council and the Bonneville Chapter of the American Fisheries Society submitted letters and status information on this trout indicating that it is declining due to hybridization with introduced trout. Other factors affecting the status of the species involve habitat deterioration due to the loss of water and destruction of riparian vegetation. Some fishery management activities have been undertaken to provide enhancement for some populations. The information presently available to the Service indicates that additional management and habitat protection is needed to protect this species. Presently this species is known to occur in Lincoln County, Wyoming, White Pine County in

Nevada, and Beaver, Jaub, Salt Lake, Sevier, and Washington counties in Utah.

One survey of the status of the Bonneville cutthroat trout indicates that beginning in the mid 1800's several environmental factors have contributed to a reduction in the number of Bonneville cutthroat trout populations. These factors include introduction of nonnative trouts, agricultural practices and mining activities. The introduction of the rainbow trout (*Salmo gairdneri*) has resulted in the replacement and hybridization of the Bonneville cutthroat trout. This problem is widespread since virtually every stream capable of supporting trout in the region have been stocked with rainbows. Brook trout (*Salvelinus fontinalis*) have also been introduced but are not as much of a threat since they spawn earlier and tend to be better adapted to small springfed headwater streams.

The problem of livestock grazing is a threat to existing populations as well as the habitat sites for possible future reintroductions. Heavy livestock grazing destroys and degrades riparian vegetation and streambank soil stability. This results in siltation, stream channel alteration and loss of cover. This problem can be alleviated by streamside fencing programs which protect riparian habitat of streams supporting populations of Bonneville cutthroat trout.

Impacts from mining activities in the past have been slight and of short duration. Most of the habitat damage has resulted from road construction and equipment movement to and from mine sites. Many of the streams inhabited by the Bonneville cutthroat trout are in narrow canyons where the stream bed is utilized as a road. Future impacts of mining in this area are presently being evaluated.

The Department is seeking comments* from the Governors of Nevada, Wyoming, and Utah. All other interested parties are hereby invited to submit any factual information which is pertinent to this review.

The primary author of this review is Dr. James D. Williams, U.S. Fish and Wildlife Service, Office of Endangered Species, Washington, D.C. 20240 (Phone 703/235-1975).

This notice is issued under the authority contained in the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*; 87 Stat. 884, 92 Stat. 3751).

Dated: March 10, 1980.

Robert S. Cook,

Acting Director, Fish and Wildlife Service.

[FR Doc. 80-9087 Filed 3-25-80; 8:45 am]

BILLING CODE 4310-55-M

Federal Register

Wednesday
March 26, 1980

Part IV

Department of the Interior

Fish and Wildlife Service

Proposed Critical Habitat for the Palos
Verdes Blue Butterfly

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposal of Critical Habitat for One Species of Butterfly

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposal of Critical Habitat for the Palos Verdes blue butterfly.

SUMMARY: The Service proposes Critical Habitat for the Palos Verdes blue butterfly (*Glaucopsyche lygdamus palosverdesensis*). Endangered status was proposed for this species on July 3, 1978 (43 FR 28938-45). This rule proposes to determine Critical Habitat for this species, to comply with the 1978 Endangered Species Act Amendments.

DATES: Comments from the public must be received by May 27, 1980. Comments from the Governor of California must be received by May 27, 1980. A public meeting on this proposal will be held on April 18, 1980. A public hearing will be held on May 2, 1980.

ADDRESSES: Interested persons or organizations are requested to submit comments to Director (OES), U.S. Fish and Wildlife Service, Washington, D.C. 20240. Comments and materials relating to this rulemaking are available for public inspection during normal business hours at the Service's Office of Endangered Species, Suite 500, 1000 North Glebe Road, Arlington, Virginia 22201. The time and place of the public meeting on this proposal are presented in the table below.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240, (703/235-2771).

SUPPLEMENTARY INFORMATION:
Background

The Palos Verdes blue butterfly was proposed as an Endangered species on July 3, 1978 (43 FR 28938-45). Critical Habitat for the butterfly was not proposed at that time. The present rulemaking complies with the 1978 Endangered Species Act Amendments, which require, to the maximum extent prudent, that Critical Habitat be proposed at the time any regulation proposes any species to be Endangered or Threatened.

The Palos Verdes blue butterfly is known to have occurred at four restricted localities on the Palos Verdes peninsula, Los Angeles County, California. One of the localities has been developed for housing and the butterfly no longer occurs there. A report (Arnold, 1980) received since the

July 3, 1978 proposal indicates that two of the three remaining localities have been adversely affected by weed control practices which threaten the butterfly's host plant, a species of *Astragalus*.

No information has been received that would warrant a change in the previously proposed status of the species.

Literature Cited

Arnold, R. A. 1980. Status of proposed Threatened or Endangered California Lepidoptera. Interior report on Contract #5-1620 with California Department of Fish and Game.

Opler, P. A., and L. K. Williams, 1978. Proposed Endangered or Threatened status or Critical Habitat for ten butterflies or moths. *Federal Register* 43 (128): 28938-45.

Summary of Factors Affecting the Species

The Palos Verdes blue butterfly is known to occur only at three localities on the Palos Verdes peninsula, Los Angeles County, California. The major threats to the remaining populations are land development for housing or recreational purposes. Examples of activities which could adversely affect the butterfly include:

- (1) Weed control practices, including rototilling of weeds for fire prevention, which destroys the butterfly's host plant.
- (2) Increased human disturbance from recreational development.
- (3) Future development of housing.

Critical Habitat

The Act defines "Critical Habitat" as (i) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of Section 4 of this Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographic area occupied by the species at the time it is listed in accordance with the provisions of Section 4 of this Act, upon a determination by the Secretary that such areas are essential for the conservation of the species.

The Service believes that certain areas occupied by the Palos Verdes blue butterfly should be designated as Critical Habitat because they include a constituent element essential to the butterfly's conservation; the coastal chaparral colonies of *Astragalus trichopodus leucopsis* which is the butterfly's only host plant. This butterfly

occupies an extremely limited range and is susceptible to changes in its habitat. Because changes in the areas occupied by this species could result in its extinction, designation of Critical Habitat is essential for the conservation of this butterfly.

Section (b)(4) of the Act requires the Service to consider economic and other impacts of specifying a particular area as Critical Habitat. The Service has prepared a draft impact analysis and believes that economic and other impacts of this action are not significant in the foreseeable future. The Service is notifying Federal agencies that may have jurisdiction over the land and water under consideration in this proposed action. These Federal agencies and other interested persons or organizations are requested to submit information on economic or other impacts of this proposed action (see below).

The Service will prepare a final impact analysis prior to the time of final rulemaking, and will use this document as the basis for its decision as to whether or not to exclude any area from Critical Habitat for the Palos Verdes blue butterfly.

Effect of This Proposal if Published as a Final Rule

Section 4(f)(4) of the Act requires that any proposal to determine Critical Habitat be accompanied, to the maximum extent practicable, by a brief description and evaluation of those activities which, in the opinion of the Secretary, may adversely modify such habitat if undertaken, or may be impacted by such designation. Activities which may affect the proposed Critical Habitat are identified below for this species. It should be emphasized that Critical Habitat designation may not in turn affect each of the activities listed below, as Critical Habitat designation only affects Federal agency activities, through Section 7 of the Act.

1. With regard to the Palos Verdes blue butterfly, the major threat to its continued existence is land management practices in the limited areas where it occurs. Rototilling of weeds for fire prevention adversely affects the butterfly's host plant, a species of *Astragalus*.

2. Increased recreational use, especially at one locality which has been designated a city park, could adversely affect the butterfly and its food plant by trampling of the foodplant and habitat.

The Service has investigated these activities, and was unable to find any Federal involvements. Therefore, the Service's draft economic analysis

anticipates no effect from Critical Habitat designation, as such designation only affects federal actions. The Service will consider any new information it receives concerning economic, and other, effects of designating Critical Habitat.

Public Meeting and Hearing

The Service hereby announces a public meeting and hearing on this proposed rule. The public is invited to attend these meetings and to present opinions and information on the proposal. Specific information relating to the public meetings is set out below:

Place	Date	Time	Subject
Public Meeting			
Public Personnel Building, 30940 Hawthorne Boulevard, Apr. 18, 1980.....		7:30-10:30 p.m.....	Palos Verdes blue butterfly.
Public Hearing			
Public Personnel Building, 30940 Hawthorne Boulevard, May 2, 1980.....		7:30-10:30 p.m.....	Palos Verdes blue butterfly.

Public Comments Solicited

The Director intends that the rules finally adopted be as accurate and effective as possible in the conservation of the Palos Verdes blue butterfly. Therefore, any comments or suggestions from the public, concerned governmental agencies, the scientific community, industry, private interests or any other interested party concerning any aspect of this proposed rule are solicited. The Service particularly requests comments on the following:

1. Biological and other relevant data concerning any threat (or lack thereof) to this species;
2. Additional information concerning the range and the distribution of the species;
3. Current or planned activities in the subject areas;
4. The probable impacts on such activities if the area is designated as Critical Habitat, and
5. The foreseeable economic and other impacts of the Critical Habitat designation.

National Environmental Policy Act

A draft environmental assessment has been prepared and is on file in the Service's Washington Office of Endangered Species. The assessment will be the basis for a decision whether this determination is a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

The primary author of this rule is Dr. Michael M. Bentzien, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-1975).

Note.—The Department of the Interior has determined that this is not a significant rule and does not require preparation of a regulatory analysis under Executive Act 12044 and 43 CFR Part 14.

Regulation Promulgation

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

§ 17.95 [Amended]

1. It is proposed that § 17.95(i), Insecta, be amended by adding Critical Habitat of the Palos Verdes blue butterfly as follows:

Palos Verdes Blue Butterfly

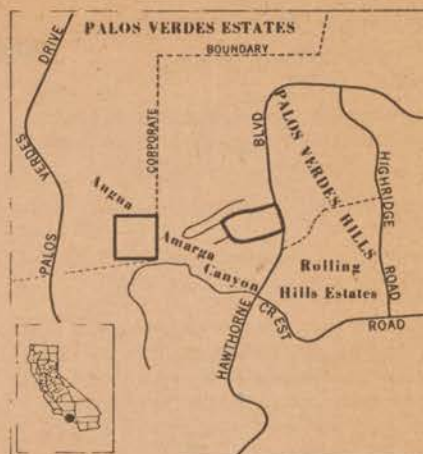
(*Glaucopsyche Lygdamus Palosverdesensis*)
California. Los Angeles County, (1) Agua Amarga Canyon Zone. Palos Verdes Estates. A square area of land 0.4 × 0.4 kilometers located at the southeast corner of the southernmost corporate boundary of Palos Verdes Estates.

2. Frank Hesse Park Zone. Rancho Palos Verdes. An area enclosed by Hawthorne Boulevard and Locklema Lane.

Palos Verdes Blue Butterfly

(*Agua Amarga Canyon and Frank Hesse Park Zones*)

Los Angeles County, Calif.



3. Palos Verdes Drive Zone. Rancho Palos Verdes. The switchback area of Palos Verdes Drive East, bounded by a line connecting the two eastern curves, a line parallel to and 0.3 kilometers southwest of this line, and the upper and lower portions of Palos Verdes Drive East.

Palos Verdes Blue Butterfly

(Palos Verdes Drive Zone)

Los Angeles County, Calif.



Dated: March 20, 1980.

Robert S. Cook,

Acting Director, Fish and Wildlife Service.

[FR Doc. 80-9088 Filed 3-25-80; 8:45 am]

BILLING CODE 4310-55-M

Federal Register

Wednesday
March 26, 1980

Part V

Department of the Interior

Fish and Wildlife Service

Reproposed Critical Habitat for the
Oregon Silverspot Butterfly

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Reproposal of Critical Habitat for One Species of Butterfly

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Reproposal of Critical Habitat for the Oregon silverspot butterfly.

SUMMARY: The Service repropose Critical Habitat for the Oregon silverspot butterfly (*Speyeria zerene hippolyta*). Threatened status and Critical Habitat were originally proposed for this species on July 3, 1978 (43 FR 28938-45). The Critical Habitat portion of this proposal was withdrawn by the Service on March 6, 1979 (44 FR 12382-84) because of procedural and substantive changes in prior law made by the Endangered Species Act Amendments of 1978. This proposed rule complies with the changed requirements.

DATES: Comments from the public must be received by May 27, 1980. Comments from the Governor of Oregon must be received by May 27, 1980. A public meeting on this proposal will be held on April 15, 1980. A public hearing will be held on April 29, 1980.

ADDRESSES: Interested persons or organizations are requested to submit comments to Director (OES), U.S. Fish and Wildlife Service, Washington, D.C. 20240. Comments and materials relating to this rulemaking are available for public inspection during normal business hours at the Service's Office of Endangered Species, Suite 500, 1000 North Glebe Road, Arlington, Virginia 22201. The time and place of the public meeting on this proposal are presented in the table below.

FOR FURTHER INFORMATION CONTACT: For further information on this proposal, contact Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. (703/235-2771).

SUPPLEMENTARY INFORMATION:**Background**

The Oregon silverspot butterfly was proposed as Threatened, with Critical Habitat, on July 3, 1978. Before final action could be taken on this proposal, Congress passed the Endangered Species Act Amendments of 1978, which changed the procedures the Service must follow when designating Critical Habitat. The present rulemaking will comply with the amendments.

The Oregon silverspot butterfly formerly occurred in salt spray meadows from Washington to Oregon.

The status of the Washington colony is uncertain. Most of the Oregon populations have been extirpated by real estate development. Since the original proposal, one of the areas proposed as Critical Habitat has been developed for housing and the repropose Critical Habitat is therefore being modified from the original proposal. No additional information has been received by the Service that would warrant a change in the previously proposed status of this species.

Summary of Factors Affecting the Species

The major threats to the remaining Oregon silverspot butterfly populations are housing development and increased human disturbance from recreational use. Activities or factors which adversely affect this species include:

- (1) Direct loss of habitat by land clearing for construction of housing.
- (2) Trampling of habitat and the foodplant from increased recreational use, and
- (3) Introduction of weeds which could change the nature of the plant community to which this species is adapted.

Comments on Critical Habitat

This repropose Critical Habitat includes the known habitat of the only known colony of the Oregon silverspot butterfly which is relatively undisturbed. This is the salt spray meadow between Big Creek and Rock Creek, Lane County, Oregon. Critical Habitat is hereby repropose as follows:

Oregon, Lane County, T. 16 S., R. 12 W.
Section 15; south 1/2 of Section 10.

A detailed summary of comments responding to the original proposal for listing the species and to this repropose of Critical Habitat will appear at the time of final rulemaking.

Critical Habitat

The Act defines "Critical Habitat" as (i) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of Section 4 of this Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographic area occupied by the species at the time it is listed in accordance with the provisions of Section 4 of this Act, upon a determination by the Secretary that such areas are essential for the conservation of the species.

The Service believes that certain areas within the geographical range of the Oregon silverspot butterfly should be designated Critical Habitat. The proposed Critical Habitat supports the host plant violet of the Oregon silverspot butterfly, a constituent element essential to the butterfly's continued survival.

This butterfly occupies a limited range and is susceptible to changes in its salt spray meadow habitat. Because changes in the area occupied by the species could result in its extinction, designation of Critical Habitat is prudent for this butterfly's conservation.

Section 4(b)(4) of the Act requires the Service to consider economic and other impacts of specifying a particular area as Critical Habitat. The Service has prepared a draft impact analysis and believes at this time that economic and other impacts of the action are not significant in the foreseeable future. The Service is notifying Federal agencies that may have jurisdiction over the land and water under consideration in this proposed action. These Federal agencies and other interested persons or organizations are requested to submit information on economic or other impacts of this proposed action (see below).

The Service will prepare a final impact analysis prior to the time of final rulemaking, and will use this document as the basis for its decision as to whether or not to exclude any area from Critical Habitat for the Oregon silverspot butterfly.

Effect of this Proposal if Published as a Final Rule

Provisions for Interagency Cooperation are codified at 50 CFR Part 402. If published as a final rule this proposal would require Federal agencies not only to insure that activities they authorize, fund, or carry out, do not jeopardize the continued existence of the Oregon silverspot butterfly, but also to insure that their actions do not result in the destruction or adverse modification of the Critical Habitat which has been determined by the Secretary to be critical.

Section 4(f)(4) of the Act requires that any proposal to determine Critical Habitat be accompanied, to the maximum extent practicable, by a brief discussion and evaluation of those activities which, in the opinion of the Secretary, may adversely modify such habitat if undertaken, or may be impacted by designation. Activities which may adversely modified the proposed habitat are identified below for this species. It should be emphasized that Critical Habitat designation may

not in turn affect each of the activities listed below, as Critical Habitat designation only affects Federal agency activities, through section 7 of the Act.

1. With regard to the Oregon silverspot butterfly, a major threat to the continued existence of the species is real estate development in the coastal salt spray meadows where this species occurs. Several of the formal colonies have been extirpated or reduced in size by housing development.

2. Increased recreational use could adversely affect the butterfly's habitat. Detrimental activities could include trampling of the meadow habitat, damage from vehicles, and development of trails and other recreational facilities.

3. Modification of forest areas adjoining the salt spray meadows could eliminate refuge areas used for shelter by the butterfly.

The only apparent Federal involvement affecting the proposed

Critical Habitat is the Forest Service's management of portions of Siuslaw National Forest. The Forest Service intends to protect the Oregon silverspot butterfly and its habitat. Therefore, the Fish and Wildlife Service's draft economic analysis indicates that there would be no adverse economic effect from Critical Habitat designation, as such designation affects only Federal actions. In its final analysis the Service will consider any new information it receives concerning adverse economic, or other, effects of designating Critical Habitat.

Public Meeting and Hearing

The Service hereby announces that a public meeting and hearing will be held on this proposed rule. The public is invited to attend these meetings and to present opinions and information on the proposal. Specific information relating to the public meeting and hearing is set out below:

Place	Date	Time	Subject
Public Meeting			
State Marine Science Center, Newport, Oregon	Apr. 15, 1980	7:30-10:00 p.m.	Oregon Silverspot butterfly.
Public Hearing			
State Marine Science Center, Newport, Oregon	Apr. 29, 1980	7:30-10:00 p.m.	Oregon Silverspot butterfly.

Public Comments Solicited

The Director intends that the rules finally adopted be as accurate and effective as possible in the conservation of the Oregon silverspot butterfly. Therefore, any comments or suggestions from the public, concerned governmental agencies, the scientific community, industry, private interests or any other interested party concerning any aspect of this proposed rule are solicited. The Service particularly requests comments on the following:

1. Biological and other relevant data concerning any threat (or lack thereof) to these species;

2. Additional information concerning the range and the distribution of the species;

3. Current or planned activities in the subject areas;

4. The probable impacts on such activities if the area is designated as Critical Habitat; and

5. The foreseeable economic and other impacts of the Critical Habitat designation.

National Environmental Policy Act

A draft environmental assessment has been prepared and is on file in the Service's Washington Office of Endangered Species. The assessment will be the basis for a decision whether this determination is a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the national Environmental Policy Act of 1969.

The primary author of this rule is Dr. Michael M. Bentzien, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-1975).

The Department of the Interior has determined that this is not a significant rule and does not require preparation of a regulatory analysis under Executive Act 12044 and 43 CFR Part 14.

Regulation Promulgation

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

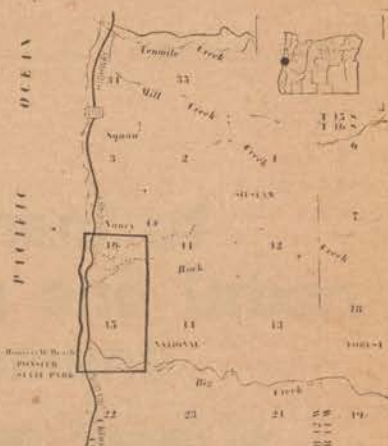
§ 17.95 [Amended]

1. It is proposed that § 17.95(i), Insecta, be amended by adding Critical Habitat for the Oregon silverspot butterfly as follows:

Oregon Silverspot Butterfly

(*Speyeria zerene hippolyta*)

Oregon, Lane County. T. 16 S., R. 12 W. Section 15; south ½ of section 10.

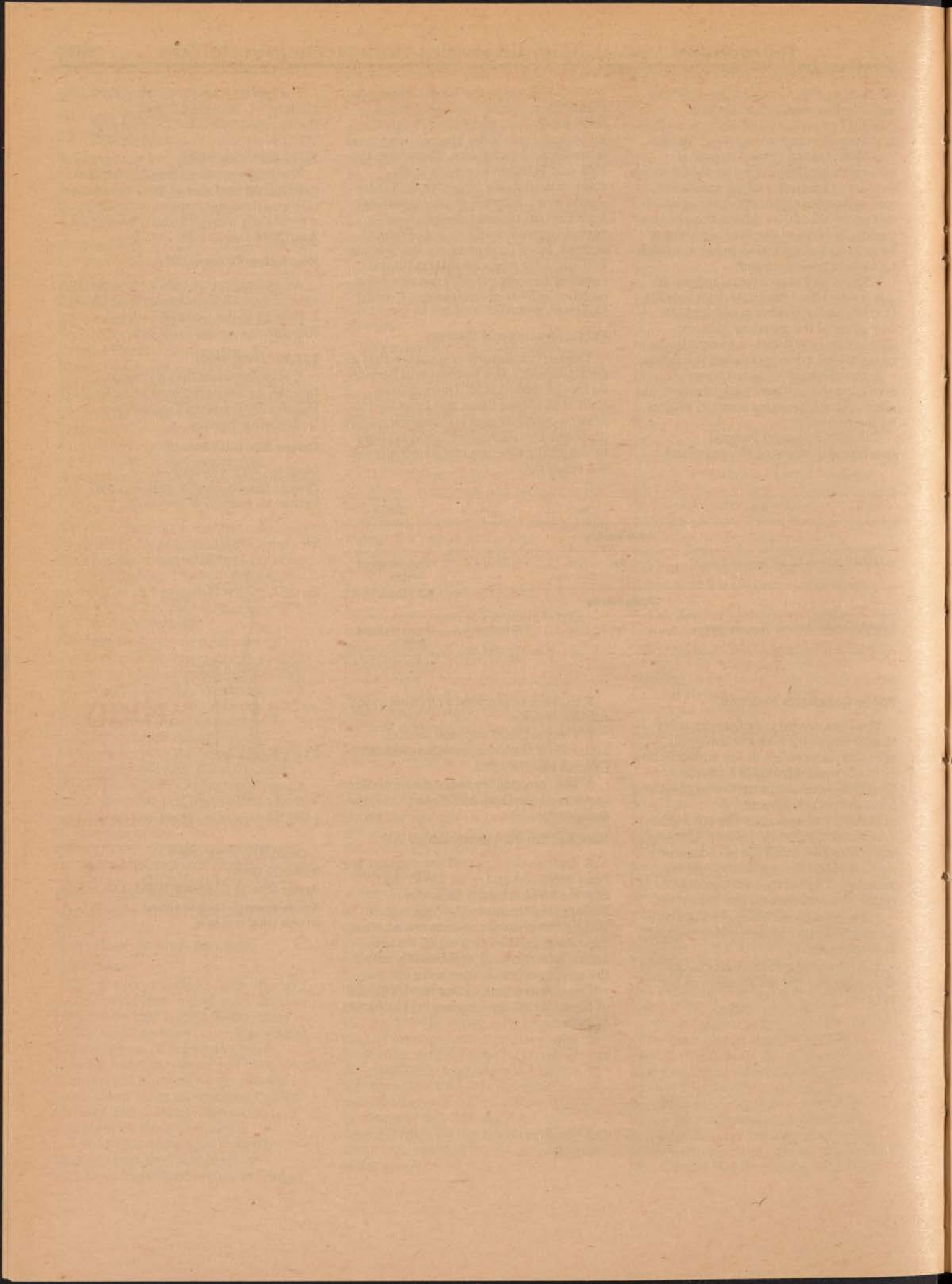


Dated: March 20, 1980.

Robert S. Cook,
Acting Director, Fish and Wildlife Service.

[FR Doc. 80-9089 Filed 3-25-80; 8:45 am]

BILLING CODE 4310-55-M



Federal Register

Wednesday
March 26, 1980

Part VI

Department of Housing and Urban Development

**Office of Assistant Secretary for
Housing—Federal Housing Commissioner**

**Sections 8 and 23 Housing Assistance
Payments Programs—Amendment of Fair
Market Rent Schedules, Existing Housing**

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

**Office of Assistant Secretary for
Housing—Federal Housing
Commissioner**

24 CFR Parts 803 and 888

[Docket No. R-80-749]

**Sections 8 and 23 Housing Assistance
Payments Programs—Amendment of
Fair Market Rent Schedules, Existing
Housing**

AGENCY: Department of Housing and
Urban Development (HUD).

ACTION: Final rule.

SUMMARY: HUD is amending the schedules that set forth the Fair Market Rents (FMRs) for Existing Housing and for Mobile Home Spaces under the Section 8 and Section 23 Housing Assistance Payments Programs. The amended schedules reflect changes in median rent levels calculated for an additional period of one year projected forward to October 1, 1980, and include adjustments made in response to data and information provided in public comments. Fair Market Rents are intended to reflect the median gross rents charged for available standard units in the applicable county or Standard Metropolitan Statistical Area (SMSA).

EFFECTIVE DATE: April 26, 1980, retroactive to March 29, 1980 only for purposes of computing annual rent adjustments in accordance with regular procedures and the PHA administrative fees.

FOR FURTHER INFORMATION CONTACT: Nancy S. Chisholm, Director, Economic and Market Analysis Division, PD&R, HUD, Washington, D.C. 20410, 202-755-4977. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: In the Federal Register of December 21, 1979, (44 FR 76024) HUD published proposed revisions to the Fair Market Rents for sections 8 and 23 Existing Housing (Schedule B) and to the Fair Market Rents for Mobile Home Spaces (Schedule D). Interested parties were given until January 21, 1980, to submit written comments.

A total of 136 comments were received of which 12 were related to the Fair Market Rents for Mobile Home Spaces. Most of the comments recommended additional increases in the level of Fair Market Rents to be approved for specific areas. All comments were carefully reviewed. The Department was especially interested in

comments and data reflecting rental market conditions and inflation trends during the past year, and in new information and additional data relating to the procedures by which the Annual Housing Survey (AHS) median rents were derived. In regard to the FMRs for Mobile Home Spaces, the Department was especially interested in additional data from mobile home park surveys, and information relating to median site rents for Mobile Home Spaces in specific non-metropolitan counties.

Based on the Department's evaluation of all public comments, the Fair Market Rent Schedules for Existing Housing in 100 market areas, including 27 SMSAs and 73 non-metropolitan counties, have been approved at a higher level than initially proposed in the Federal Register publication of December 21, 1979. The FMR Schedules for Mobile Home Spaces have been increased for 25 market areas. The FMR Schedules for Mobile Home Spaces now being approved for 1980 also reflect the modification of some rents based on comments received in response to the initial rents proposed for Mobile Home Spaces in the Federal Register of October 29, 1979 (44 FR 62200).

For all areas of the country, the FMR Schedules initially proposed for 1980 in the December 21, 1979, publication now have recalculated on the basis of revised inflation factors for shelter rent and for fuel and utilities developed from the most recent available Consumer Price Index (CPI) data, including data as of December 1979. For many areas of the country the use of the more recent CPI data results in the approval of higher FMR Schedules for 1980 than those initially proposed in the December 21 Federal Register.

NEPA

The Department has determined that these regulations do not constitute a major Federal action significantly affecting the quality of the human environment. Accordingly, a Finding of Inapplicability of Environmental Impact has been prepared and is available for public inspection during regular business hours at the Office of the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

This rule is not listed in the Department's semiannual agenda of significant rules, published pursuant to Executive Order 12044.

Accordingly, Title 24, Part 803, Schedule B, and Part 888, Schedule D, are revised as set forth below.

(Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)))

Issued at Washington, D.C., March 20, 1980.

Lawrence B. Simons,
*Assistant Secretary for Housing—Federal
Housing Commissioner.*

BILLING CODE 4210-01-M

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BOSTON, MASSACHUSETTS AREA OFFICE					
SMSA: LEWISTON-AUBURN, ME					
SMSA PART: ANDROSCOGGIN STATE: ME	185	211	251	289	320
SMSA: PORTLAND, ME					
SMSA PART: CUMBERLAND STATE: ME	205	250	295	345	410
SMSA PART: YORK STATE: ME	205	250	295	345	410
NON SMSA					
NONSMSA PART: ANDROSCOGGIN STATE: ME	185	211	251	289	320
COUNTY: AROOSTOOK STATE: ME	195	235	275	315	355
NONSMSA PART: CUMBERLAND STATE: ME	182	221	260	299	338
COUNTY: FRANKLIN STATE: ME	176	200	238	265	291
COUNTY: HANCOCK STATE: ME	176	208	245	282	319
COUNTY: KENNEBEC STATE: ME	185	211	251	289	320
COUNTY: KNOX STATE: ME	192	218	259	289	317
COUNTY: LINCOLN STATE: ME	192	218	259	289	317
COUNTY: OXFORD STATE: ME	176	200	238	265	291
COUNTY: PENOBSCOT STATE: ME	182	221	260	299	338
COUNTY: PISCATAQUIS STATE: ME	176	200	238	265	291
COUNTY: SAGadahoc STATE: ME	182	221	260	299	338
COUNTY: SOMERSET STATE: ME	192	218	259	289	317
COUNTY: WALDO STATE: ME	176	200	238	265	291
COUNTY: WASHINGTON STATE: ME	176	200	238	265	291
NONSMSA PART: YORK STATE: ME	182	221	260	299	338
SMSA: BOSTON, MA					
SMSA PART: ESSEX STATE: MA	264	299	355	409	462
SMSA PART: MIDDLESEX STATE: MA	264	299	355	409	462
SMSA PART: NORFOLK STATE: MA	264	299	355	409	462
SMSA PART: PLYMOUTH STATE: MA	264	299	355	409	462
COUNTY: SUFFOLK STATE: MA	264	299	355	409	462

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BOSTON, MASSACHUSETTS AREA OFFICE					
SMSA: BROCKTON, MA					
SMSA PART: BRISTOL					
STATE: MA	201	246	293	341	386
SMSA PART: NORFOLK					
STATE: MA	201	246	293	341	386
SMSA PART: PLYMOUTH					
STATE: MA	201	246	293	341	386
SMSA: FALL RIVER, MA-RI					
SMSA PART: BRISTOL					
STATE: MA	208	240	285	331	362
SMSA: FITCHBURG-LEOMINSTER, MA					
SMSA PART: MIDDLESEX					
STATE: MA	191	234	277	322	365
SMSA PART: WORCESTER					
STATE: MA	191	234	277	322	365
SMSA: LAWRENCE-HAVERHILL, MA-NH					
SMSA PART: ESSEX					
STATE: MA	231	268	315	383	433
SMSA: LOWELL, MA NH					
SMSA PART: MIDDLESEX					
STATE: MA	216	246	289	334	365
SMSA: NEW BEDFORD, MA					
SMSA PART: BRISTOL					
STATE: MA	203	234	277	321	352
SMSA PART: PLYMOUTH					
STATE: MA	203	234	277	321	352
SMSA: PITTSFIELD, MA					
SMSA PART: BERKSHIRE					
STATE: MA	165	200	235	270	306
SMSA: PROVIDENCE-WARWICK-PAWTUCKET, RI-MA					
SMSA PART: BRISTOL					
STATE: MA	208	240	285	331	362
SMSA PART: NORFOLK					
STATE: MA	208	240	285	331	362
SMSA PART: WORCESTER					
STATE: MA	208	240	285	331	362
SMSA: SPRINGFIELD-CHICOPEE-HOLYOKE, MA-CT					
SMSA PART: HAMPDEN					
STATE: MA	198	243	290	337	381
SMSA PART: HAMPSHIRE					
STATE: MA	198	243	290	337	381
SMSA PART: WORCESTER					
STATE: MA	198	243	290	337	381
SMSA: WORCESTER, MA					
SMSA PART: WORCESTER					
STATE: MA	234	268	315	365	401
NON SMSA					
COUNTY: BARNSTABLE					
STATE: MA	253	288	344	401	448
NON SMSA PART: BERKSHIRE					
STATE: MA	192	235	278	321	348
NON SMSA PART: BRISTOL					
STATE: MA	205	235	278	323	354
COUNTY: DUKES					
STATE: MA	253	288	344	401	448

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BOSTON, MASSACHUSETTS AREA OFFICE					
NON SMSA					
NONSMSA PART: ESSEX STATE: MA	222	258	314	364	421
COUNTY: FRANKLIN STATE: MA	216	256	303	338	373
NONSMSA PART: HAMPDEN STATE: MA	200	232	275	319	351
NONSMSA PART: HAMPSHIRE STATE: MA	200	232	275	319	351
NONSMSA PART: MIDDLESEX STATE: MA	216	247	288	332	364
COUNTY: NANTUCKET STATE: MA	247	281	335	391	436
NONSMSA PART: NORFOLK STATE: MA	180	219	260	302	343
NONSMSA PART: PLYMOUTH STATE: MA	211	244	292	342	390
NONSMSA PART: WORCESTER STATE: MA	191	234	277	322	365
COUNTY: ADDISCN STATE: VT	205	245	288	348	397
COUNTY: BENNINGTON STATE: VT	205	245	288	348	397
COUNTY: CALEDONIA STATE: VT	195	230	273	330	382
COUNTY: CHITTENDEN STATE: VT	205	245	288	348	397
COUNTY: ESSEX STATE: VT	195	230	271	297	334
COUNTY: FRANKLIN STATE: VT	195	230	273	330	382
COUNTY: GRAND ISLE STATE: VT	195	230	273	330	382
COUNTY: LAMOILLE STATE: VT	195	230	271	297	334
COUNTY: ORANGE STATE: VT	195	230	273	330	382
COUNTY: ORLEANS STATE: VT	195	230	273	330	382
COUNTY: RUTLAND STATE: VT	205	245	288	348	397
COUNTY: WASHINGTON STATE: VT	195	230	273	330	382
COUNTY: WINDHAM STATE: VT	205	245	288	348	397
COUNTY: WINDSOR STATE: VT	205	245	288	348	397
SMSA: LAWRENCE-HAVERHILL, MA-NH SMSA PART: ROCKINGHAM STATE: NH	231	268	315	383	433

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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REGION 1	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BOSTON, MASSACHUSETTS AREA OFFICE					
SMSA: LOWELL, MA NH					
SMSA PART HILLSBOROUGH STATE NH	216	246	289	334	365
SMSA: MANCHESTER, NH					
SMSA PART HILLSBOROUGH STATE NH	222	268	321	371	420
SMSA PART MERRINACK STATE NH	222	268	321	371	420
SMSA PART ROCKINGHAM STATE NH	222	268	321	371	420
SMSA: NASHUA, NH					
SMSA PART HILLSBOROUGH STATE NH	222	268	321	371	420
NON SMSA					
COUNTY BELKNAP STATE NH	198	229	273	306	336
COUNTY CARROLL STATE NH	184	214	253	283	313
COUNTY CHESHIRE STATE NH	207	240	286	322	356
COUNTY COOS STATE NH	184	214	253	283	313
COUNTY GRAFTON STATE NH	188	221	261	297	333
NONSMSA PART HILLSBOROUGH STATE NH	198	228	273	317	349
NONSMSA PART MERRINACK STATE NH	198	228	273	317	349
NONSMSA PART ROCKINGHAM STATE NH	206	236	283	327	359
COUNTY STRAFFORD STATE NH	198	229	273	306	336
COUNTY SULLIVAN STATE NH	198	229	273	306	336
SMSA: FALL RIVER, MA-RI					
SMSA PART NEWPORT STATE RI	208	240	285	331	362
SMSA: NEW LONDON-NORWICH, CT-RI					
SMSA PART WASHINGTON STATE RI	193	235	278	322	365
SMSA: PROVIDENCE-WARWICK-PAWTUCKET, RI-MA					
SMSA PART BRISTOL STATE RI	208	240	285	331	362
SMSA PART KENT STATE RI	208	240	285	331	362
SMSA PART NEWPORT STATE RI	208	240	285	331	362
SMSA PART PROVIDENCE STATE RI	208	240	285	331	362
SMSA PART WASHINGTON STATE RI	208	240	285	331	362

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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REGION 1	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BOSTON, MASSACHUSETTS AREA OFFICE					
NON SMSA					
NONSMSA PART KENT STATE RI	204	235	279	325	356
NONSMSA PART NEWPORT STATE RI	220	248	298	331	367
NONSMSA PART PROVIDENCE STATE RI	204	235	279	325	356
NONSMSA PART WASHINGTON STATE RI	204	235	279	325	356
HARTFORD, CONNECTICUT AREA OFFICE					
SMSA: BRIDGEPORT, CT					
SMSA PART FAIRFIELD STATE CT	219	265	314	362	410
SMSA PART NEW HAVEN STATE CT	219	265	314	362	410
SMSA: BRISTOL, CT					
SMSA PART HARTFORD STATE CT	192	236	281	327	370
SMSA PART LITCHFIELD STATE CT	192	236	281	327	370
SMSA: DANBURY, CT					
SMSA PART FAIRFIELD STATE CT	246	300	354	408	462
SMSA PART LITCHFIELD STATE CT	246	300	354	408	462
SMSA: HARTFORD, CT					
SMSA PART HARTFORD STATE CT	226	276	329	380	431
SMSA PART LITCHFIELD STATE CT	226	276	329	380	431
SMSA PART MIDDLESEX STATE CT	226	276	329	380	431
SMSA PART NEW LONDON STATE CT	226	276	329	380	431
SMSA PART TOLLAND STATE CT	226	276	329	380	431

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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REGION 1	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
HARTFORD, CONNECTICUT AREA OFFICE					
SMSA: MERIDEN, CT					
SMSA PART: NEW HAVEN STATE: CT	182	224	268	311	351
SMSA: NEW BRITAIN, CT					
SMSA PART: HARTFORD STATE: CT	192	236	281	327	370
SMSA: NEW HAVEN-WEST HAVEN, CT					
SMSA PART: MIDDLESEX STATE: CT	224	272	322	372	421
SMSA PART: NEW HAVEN STATE: CT	224	272	322	372	421
SMSA: NEW LONDON-NORWICH, CT-RI					
SMSA PART: MIDDLESEX STATE: CT	193	235	278	322	365
SMSA PART: NEW LONDON STATE: CT	193	235	278	322	365
SMSA: NORWALK, CT					
SMSA PART: FAIRFIELD STATE: CT	252	307	363	419	475
SMSA: SPRINGFIELD-CHICOPEE-HOLYOKE, MA-GT					
SMSA PART: TOLLAND STATE: CT	198	243	290	337	381
SMSA: STAMFORD, CT					
SMSA PART: FAIRFIELD STATE: CT	266	323	382	442	499
SMSA: WATERBURY, CT					
SMSA PART: LITCHFIELD STATE: CT	182	224	268	311	351
SMSA: WATERBURY, CT					
SMSA PART: NEW HAVEN STATE: CT	182	224	268	311	351
NON SMSA					
NONSMSA PART: FAIRFIELD STATE: CT	183	224	268	311	351
NONSMSA PART: HARTFORD STATE: CT	192	236	281	327	370
NONSMSA PART: LITCHFIELD STATE: CT	172	210	250	292	330
NONSMSA PART: MIDDLESEX STATE: CT	193	235	278	322	365
NONSMSA PART: NEW HAVEN STATE: CT	182	224	268	311	351
NONSMSA PART: NEW LONDON STATE: CT	176	217	258	299	340
NONSMSA PART: TOLLAND STATE: CT	224	273	322	372	421
COUNTY: WINDHAM STATE: CT	176	217	258	299	340

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS. 5-BR = 115 PERCENT OF 4-BR FMR. 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 2	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BUFFALO, NEW YORK AREA OFFICE					
SMSA: ALBANY-SCHENECTADY-TROY, NY					
COUNTY: ALBANY	188	229	271	313	355
STATE: NY					
COUNTY: MONTGOMERY	188	229	271	313	355
STATE: NY					
COUNTY: RENSSELAER	188	229	271	313	355
STATE: NY					
COUNTY: SARATOGA	188	229	271	313	355
STATE: NY					
COUNTY: SCHENECTADY	188	229	271	313	355
STATE: NY					
SMSA: BINGHAMTON, NY-PA					
COUNTY: BROOME	165	190	225	271	313
STATE: NY					
COUNTY: TIoga	165	190	225	271	313
STATE: NY					
SMSA: SYRACUSE, NY					
COUNTY: MADISON	170	209	247	287	325
STATE: NY					
COUNTY: ONONDAGA	170	209	247	287	325
STATE: NY					
COUNTY: OSWEGO	170	209	247	287	325
STATE: NY					
SMSA: UTICA-ROME, NY					
COUNTY: HERKIMER	151	172	204	243	280
STATE: NY					
COUNTY: ONEIDA	151	172	204	243	280
STATE: NY					
NON SMSA					
COUNTY: CAYUGA	165	202	239	277	314
STATE: NY					
COUNTY: CHENANGO	178	197	246	276	306
STATE: NY					
COUNTY: CLINTON	168	195	231	259	287
STATE: NY					
COUNTY: COLUMBIA	135	166	196	228	259
STATE: NY					
COUNTY: CORTLAND	165	202	239	277	314
STATE: NY					
COUNTY: DELAWARE	141	171	204	235	267
STATE: NY					
COUNTY: ESSEX	166	192	224	258	285
STATE: NY					
COUNTY: FRANKLIN	147	174	201	226	249
STATE: NY					
COUNTY: FULTON	132	161	192	224	253
STATE: NY					
COUNTY: GREENE	147	168	200	228	259
STATE: NY					
COUNTY: HAMILTON	132	161	192	224	253
STATE: NY					

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 2	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BUFFALO, NEW YORK AREA OFFICE					
NON SMSA					
COUNTY: JEFFERSON STATE: NY	154	180	215	235	261
COUNTY: LEWIS STATE: NY	147	174	201	226	249
COUNTY: OTSEGO STATE: NY	141	171	204	235	267
COUNTY: ST. LAWRENCE STATE: NY	157	184	221	247	275
COUNTY: SCHOMARIE STATE: NY	165	190	228	256	282
COUNTY: TOMPKINS STATE: NY	170	215	252	300	340
COUNTY: WARREN STATE: NY	132	162	192	224	253
COUNTY: WASHINGTON STATE: NY	132	161	192	224	253
SMSA: BUFFALO, NY					
COUNTY: ERIE STATE: NY	169	228	254	277	327
COUNTY: NIAGARA STATE: NY	169	228	254	277	327
SMSA: ELMIRA, NY					
COUNTY: CHEMUNG STATE: NY	175	202	253	292	330
SMSA: ROCHESTER, NY					
COUNTY: LIVINGSTON STATE: NY	214	262	310	358	406
COUNTY: MONROE STATE: NY	214	262	310	358	406
COUNTY: ONTARIO STATE: NY	214	262	310	358	406
COUNTY: ORLEANS STATE: NY	214	262	310	358	406
COUNTY: WAYNE STATE: NY	214	262	310	358	406
NON SMSA					
COUNTY: ALLEGANY STATE: NY	123	152	180	209	237
COUNTY: CATTARAUGUS STATE: NY	123	152	180	209	237
COUNTY: CHAUTAUQUA STATE: NY	139	174	206	233	258
COUNTY: GENESEE STATE: NY	149	171	204	226	250
COUNTY: SCHUYLER STATE: NY	162	194	235	250	296
COUNTY: SENECA STATE: NY	194	227	268	300	333
COUNTY: STEUBEN STATE: NY	162	187	226	261	295
COUNTY: WYOMING STATE: NY	123	152	180	209	237

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 2	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BUFFALO, NEW YORK AREA OFFICE NON SMSA COUNTY: YATES STATE: NY	165	202	239	277	314
NEW YORK, NEW YORK AREA OFFICE SMSA: NASSAU-SUFFOLK, NY COUNTY: NASSAU STATE: NY	288	356	415	479	543
COUNTY: SUFFOLK STATE: NY	288	356	415	479	543
SMSA: NEW YORK CITY, NY-NJ COUNTY: BRONX STATE: NY	260	316	375	432	490
COUNTY: KINGS STATE: NY	260	316	375	432	490
COUNTY: NEW YORK STATE: NY	260	316	375	432	490
COUNTY: PUTNAM STATE: NY	260	316	375	432	490
COUNTY: QUEENS STATE: NY	260	316	375	432	490
COUNTY: RICHMOND STATE: NY	260	316	375	432	490
COUNTY: ROCKLAND STATE: NY	260	316	375	432	490
COUNTY: WESTCHESTER STATE: NY	260	316	375	432	490
SMSA: Poughkeepsie, NY COUNTY: DUTCHESS STATE: NY	207	238	272	316	357
NON SMSA COUNTY: ORANGE STATE: NY	197	238	285	318	351
COUNTY: SULLIVAN STATE: NY	180	219	260	301	341
COUNTY: ULSTER STATE: NY	180	219	260	301	341

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 2	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
NEWARK, NEW JERSEY AREA OFFICE					
SMSA: ATLANTIC CITY, NJ COUNTY: ATLANTIC STATE: NJ	174	212	251	290	328
SMSA: PHILADELPHIA, PA-NJ COUNTY: BURLINGTON STATE: NJ	223	271	321	372	420
COUNTY: CAMDEN STATE: NJ	223	271	321	372	420
COUNTY: GLOUCESTER STATE: NJ	223	271	321	372	420
SMSA: TRENTON, NJ COUNTY: MERCER STATE: NJ	194	236	279	323	367
SMSA: VINELAND-MILLVILLE-BRIDGETON, NJ COUNTY: CUMBERLAND STATE: NJ	194	237	281	324	368
SMSA: WILMINGTON, DE-NJ-MD COUNTY: SALEM STATE: NJ	222	269	317	367	414
NON SMSA COUNTY: CAPE MAY STATE: NJ	184	214	253	293	331
COUNTY: OCEAN STATE: NJ	239	291	344	397	450
SMSA: ALLENTOWN-BETHLEHEM-EASTON, PA-NJ COUNTY: WARREN STATE: NJ	212	252	293	329	364
SMSA: JERSEY CITY, NJ COUNTY: HUDSON STATE: NJ	191	233	276	320	362
SMSA: LONG BRANCH-ASBURY PARK, NJ COUNTY: MONMOUTH STATE: NJ	228	279	330	381	432
SMSA: NEW BRUNSWICK-PERTH AMBOY-SAYREVILLE, NJ COUNTY: MIDDLESEX STATE: NJ	240	292	343	394	446
SMSA: NEW YORK CITY, NY-NJ COUNTY: BERGEN STATE: NJ	260	316	375	432	490
SMSA: NEWARK, NJ COUNTY: ESSEX STATE: NJ	252	282	337	374	412
COUNTY: MORRIS STATE: NJ	252	282	337	374	412
COUNTY: SOMERSET STATE: NJ	252	282	337	374	412
COUNTY: UNION STATE: NJ	252	282	337	374	412
SMSA: PATERSON-CLIFTON-PASSAIC, NJ COUNTY: PASSAIC STATE: NJ	244	298	352	407	461
NON SMSA COUNTY: HUNTERDON STATE: NJ	239	291	344	397	450

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 2	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
NEWARK, NEW JERSEY AREA OFFICE					
NON SMSA					
COUNTY: SUSSEX	246	299	354	410	464
STATE: NJ					
CARIBBEAN AREA OFFICE					
SMSA: CAGUAS					
MUNICIPIO: ALL	158	191	227	261	295
STATE: PR					
SMSA: MAYAGUEZ					
MUNICIPIO: ALL	195	237	280	323	364
STATE: PR					
SMSA: PONCE					
MUNICIPIO: ALL	240	292	344	396	447
STATE: PR					
SMSA: SAN JUAN					
MUNICIPIO: ALL	237	289	341	392	444
STATE: PR					
NON SMSA					
MUNICIPIO: ALL OTHER	150	183	216	249	281
STATE: PR					
CHAR. AMALIE					
STATE: VI	266	323	381	439	497
ST. CROIX					
STATE: VI	218	264	312	359	406
ST. THOMAS					
STATE: VI	247	300	355	408	461

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BALTIMORE, MARYLAND AREA OFFICE					
SMSA: BALTIMORE, MD					
COUNTY: ANNE ARUNDEL STATE: MD	214	266	306	383	422
COUNTY: BALTIMORE STATE: MD	214	266	306	383	422
COUNTY: CARROLL STATE: MD	214	266	306	383	422
COUNTY: HANFORD STATE: MD	214	266	306	383	422
COUNTY: HOWARD STATE: MD	214	266	306	383	422
COLUMBIA (U) STATE: MD	254	317	363	436	472
INDEP. CITY: BALTIMORE STATE: MD	214	266	306	383	422
SMSA: WASHINGTON, DC-MD-VA					
COUNTY: CHARLES STATE: MD	234	284	334	385	435
SMSA: WILMINGTON, DE-NJ-MD					
COUNTY: CECIL STATE: MD	222	269	317	367	414
NON SMSA					
COUNTY: ALLEGANY STATE: MD	141	171	202	233	264
COUNTY: CALVERT STATE: MD	212	259	305	352	397
COUNTY: CAROLINE STATE: MD	190	231	272	314	356
COUNTY: DORCHESTER STATE: MD	190	231	272	314	356
COUNTY: FREDERICK STATE: MD	197	241	283	326	369
COUNTY: GARRETT STATE: MD	141	171	202	233	264
COUNTY: KENT STATE: MD	190	231	272	314	356
COUNTY: QUEEN ANNES STATE: MD	190	231	272	314	356
COUNTY: ST MARYS STATE: MD	184	225	265	306	346
COUNTY: SOMERSET STATE: MD	190	231	272	314	356
COUNTY: TALBOT STATE: MD	190	231	272	314	356
COUNTY: WASHINGTON STATE: MD	184	225	265	306	346
COUNTY: WICOMICO STATE: MD	190	231	272	314	356
COUNTY: WORCESTER STATE: MD	190	231	272	314	356

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PHILADELPHIA, PENNSYLVANIA AREA OFFICE					
SMSA: ALLENTOWN-BETHLEHEM-EASTON, PA-NJ					
COUNTY: CARBON	212	252	293	329	364
STATE: PA					
COUNTY: LEHIGH	212	252	293	329	364
STATE: PA					
COUNTY: NORTHAMPTON	212	252	293	329	364
STATE: PA					
SMSA: BINGHAMTON, NY-PA					
COUNTY: SUSQUEHANNA	165	190	225	271	313
STATE: PA					
SMSA: HARRISBURG, PA					
COUNTY: CUMBERLAND	210	243	291	339	373
STATE: PA					
COUNTY: DAUPHIN	210	243	291	339	373
STATE: PA					
COUNTY: PERRY	210	243	291	339	373
STATE: PA					
SMSA: LANCASTER, PA					
COUNTY: LANCASTER	175	212	261	310	340
STATE: PA					
SMSA: NORTHEAST, PA					
COUNTY: LACKAWANNA	142	162	203	233	264
STATE: PA					
COUNTY: LUZERNE	142	162	203	233	264
STATE: PA					
COUNTY: MONROE	142	162	203	233	264
STATE: PA					
SMSA: PHILADELPHIA, PA-NJ					
COUNTY: BUCKS	223	271	321	372	420
STATE: PA					
COUNTY: CHESTER	223	271	321	372	420
STATE: PA					
COUNTY: DELAWARE	223	271	321	372	420
STATE: PA					
COUNTY: MONTGOMERY	223	271	321	372	420
STATE: PA					
COUNTY: PHILADELPHIA	223	271	321	372	420
STATE: PA					
SMSA: READING, PA					
COUNTY: BERKS	170	194	243	279	316
STATE: PA					
SMSA: WILLIAMSPORT, PA					
COUNTY: LYCOMING	131	160	191	221	251
STATE: PA					
SMSA: YORK, PA					
COUNTY: ADAMS	180	218	259	324	368
STATE: PA					
COUNTY: YORK	180	218	259	324	368
STATE: PA					
NON SMSA					
COUNTY: BRADFORD	169	198	230	277	309
STATE: PA					
COUNTY: CENTRE	158	190	227	255	284
STATE: PA					

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PHILADELPHIA, PENNSYLVANIA AREA OFFICE					
NON SMSA					
COUNTY: CLINTON STATE: PA	158	190	227	255	284
COUNTY: COLUMBIA STATE: PA	175	204	245	273	305
COUNTY: FRANKLIN STATE: PA	158	190	227	255	284
COUNTY: JUNIATA STATE: PA	137	174	208	233	262
COUNTY: LEBANON STATE: PA	161	186	222	259	288
COUNTY: MIFFLIN STATE: PA	137	174	208	233	262
COUNTY: MONTGOMERY STATE: PA	106	130	155	181	204
COUNTY: NORTHUMBERLAND STATE: PA	158	184	220	246	275
COUNTY: PIKE STATE: PA	182	212	255	282	315
COUNTY: SCHUYLKILL STATE: PA	176	207	253	282	314
COUNTY: SNYDER STATE: PA	137	174	208	233	262
COUNTY: SULLIVAN STATE: PA	141	174	219	247	267
COUNTY: TIOGA STATE: PA	169	198	230	277	309
COUNTY: UNION STATE: PA	137	174	208	233	262
COUNTY: WAYNE STATE: PA	168	194	232	255	284
COUNTY: WYOMING STATE: PA	153	180	215	278	309
SMSA: WILMINGTON, DE-NJ-MD					
COUNTY: NEW CASTLE STATE: DE	222	269	317	367	414
NON SMSA					
COUNTY: KENT STATE: DE	190	231	272	314	356
COUNTY: SUSSEX STATE: DE	190	231	272	314	356

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PITTSBURGH, PENNSYLVANIA AREA OFFICE					
SMSA: CHARLESTON, WV COUNTY KANAWHA STATE WV	167	204	242	278	315
COUNTY PUTNAM STATE WV	167	204	242	278	315
SMSA: HUNTINGTON-ASHLAND, WV-KY-OH COUNTY CABELL STATE WV	157	191	225	260	295
COUNTY WAYNE STATE WV	157	191	225	260	295
SMSA: PARKERSBURG-MARIETTA, WV-OH COUNTY WIRT STATE WV	172	210	247	285	322
COUNTY WOOD STATE WV	172	210	247	285	322
SMSA: STEUBENVILLE-WEIRTON, OH-WV COUNTY BROOKE STATE WV	152	185	219	253	286
COUNTY HANCOCK STATE WV	152	185	219	253	286
SMSA: WHEELING, WV-OH COUNTY MARSHALL STATE WV	162	186	227	267	294
COUNTY OHIO STATE WV	162	186	227	267	294
NON SMSA					
COUNTY BARBOUR STATE WV	161	196	231	267	302
COUNTY BERKELEY STATE WV	161	196	231	267	302
COUNTY BOONE STATE WV	128	156	184	213	241
COUNTY BRAXTON STATE WV	128	156	184	213	241
COUNTY CALHOUN STATE WV	128	156	184	213	241
COUNTY CLAY STATE WV	128	156	184	213	241
COUNTY DODDRIDGE STATE WV	161	196	231	267	302
COUNTY FAYETTE STATE WV	128	156	184	213	241
COUNTY GILMER STATE WV	128	156	184	213	241
COUNTY GRANT STATE WV	161	196	231	267	302
COUNTY GREENBRIER STATE WV	128	156	184	213	241
COUNTY HAMPSHIRE STATE WV	161	196	231	267	302
COUNTY HARDY STATE WV	161	196	231	267	302

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PITTSBURGH, PENNSYLVANIA AREA OFFICE					
NON-SRSA					
COUNTY HARRISON STATE WV	161	196	231	267	302
COUNTY JACKSON STATE WV	128	156	184	213	241
COUNTY JEFFERSON STATE WV	161	196	231	267	302
COUNTY LEWIS STATE WV	161	196	231	267	302
COUNTY LINCOLN STATE WV	128	156	184	213	241
COUNTY LOGAN STATE WV	128	156	184	213	241
COUNTY MCDOWELL STATE WV	133	163	192	221	251
COUNTY MARION STATE WV	161	196	231	267	302
COUNTY MASON STATE WV	128	156	184	213	241
COUNTY MERCER STATE WV	133	163	192	221	251
COUNTY MINERAL STATE WV	141	171	202	233	264
COUNTY MINGO STATE WV	128	156	184	213	241
COUNTY MONONGALIA STATE WV	161	196	231	267	302
COUNTY MONROE STATE WV	128	156	184	213	241
COUNTY MORGAN STATE WV	161	196	231	267	302
COUNTY NICHOLAS STATE WV	128	156	184	213	241
COUNTY PENDLETON STATE WV	161	196	231	267	302
COUNTY PLEASANTS STATE WV	172	210	247	285	322
COUNTY POCAHONTAS STATE WV	128	156	184	213	241
COUNTY PRESTON STATE WV	161	196	231	267	302
COUNTY RALEIGH STATE WV	128	156	184	213	241
COUNTY RANDOLPH STATE WV	161	196	231	267	302
COUNTY RITCHIE STATE WV	172	210	247	285	322
COUNTY ROANE STATE WV	128	156	184	213	241

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PITTSBURGH, PENNSYLVANIA AREA OFFICE					
NON SMSA					
COUNTY SUMMERS STATE WV	128	156	184	213	241
COUNTY TAYLOR STATE WV	161	196	231	267	302
COUNTY TUCKER STATE WV	161	196	231	267	302
COUNTY TYLER STATE WV	141	171	202	233	264
COUNTY UPSHUR STATE WV	161	196	231	267	302
COUNTY WEBSTER STATE WV	128	156	184	213	241
COUNTY WETZEL STATE WV	141	171	202	233	264
COUNTY WYOMING STATE WV	128	156	184	213	241
SMSA: ALTOONA, PA					
COUNTY BLAIR STATE PA	158	191	225	259	293
SMSA: ERIE, PA					
COUNTY ERIE STATE PA	170	193	233	270	296
SMSA: JOHNSTOWN, PA					
COUNTY CAMBRIA STATE PA	157	185	224	252	280
SMSA: JOHNSTOWN, PA					
COUNTY SOMERSET STATE PA	157	185	224	252	280
SMSA: PITTSBURGH, PA					
COUNTY ALLEGHANY STATE PA	200	243	286	329	373
COUNTY BEAVER STATE PA	200	243	286	329	373
COUNTY WASHINGTON STATE PA	200	243	286	329	373
COUNTY WESTMORELAND STATE PA	200	243	286	329	373
NON SMSA					
COUNTY ARMSTRONG STATE PA	120	148	176	204	232
COUNTY BEDFORD STATE PA	136	155	186	215	240
COUNTY BUTLER STATE PA	163	191	225	254	276
COUNTY CAMERON STATE PA	131	160	191	221	251
COUNTY CLARION STATE PA	120	148	176	204	232
COUNTY CLEARFIELD STATE PA	152	182	216	240	268
COUNTY CRAWFORD STATE PA	126	154	182	212	241

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR. 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3

0 BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4 BEDROOMS

PITTSBURGH, PENNSYLVANIA AREA OFFICE
NON SMSA

COUNTY: ELK STATE: PA	131	160	191	221	251
COUNTY: FAYETTE STATE: PA	152	181	221	250	279
COUNTY: FOREST STATE: PA	126	154	182	212	241
COUNTY: FULTON STATE: PA	117	143	170	198	225
COUNTY: GREENE STATE: PA	107	132	156	182	206
COUNTY: HUNTINGDON STATE: PA	117	143	170	198	225
COUNTY: INDIANA STATE: PA	142	173	205	236	265
COUNTY: JEFFERSON STATE: PA	131	160	191	221	251
COUNTY: LAWRENCE STATE: PA	126	154	182	212	241
COUNTY: MCKEAN STATE: PA	144	175	196	227	261
COUNTY: MERCER STATE: PA	126	154	182	212	241
COUNTY: POTTER STATE: PA	144	178	209	241	275
COUNTY: VENANGO STATE: PA	126	154	182	212	241
COUNTY: WARREN STATE: PA	126	154	182	212	241

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
RICHMOND, VIRGINIA AREA OFFICE					
SMSA: JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA					
COUNTY SCOTT	165	201	237	274	310
STATE: VA					
COUNTY WASHINGTON	165	201	237	274	310
STATE: VA					
INDEP. CITY BRISTOL	165	201	237	274	310
STATE: VA					
SMSA: LYNCHBURG, VA					
COUNTY AMHERST	203	246	291	334	379
STATE: VA					
COUNTY APPOMATTOX	203	246	291	334	379
STATE: VA					
COUNTY CAMPBELL	203	246	291	334	379
STATE: VA					
INDEP. CITY LYNCHBURG	203	246	291	334	379
STATE: VA					
SMSA: NEWPORT NEWS-HAMPTON, VA					
COUNTY GLOUCESTER	195	237	280	323	365
STATE: VA					
COUNTY JAMES CITY	195	237	280	323	365
STATE: VA					
COUNTY YORK	195	237	280	323	365
STATE: VA					
INDEP. CITY HAMPTON	195	237	280	323	365
STATE: VA					
INDEP. CITY NEWPORT NEWS	195	237	280	323	365
STATE: VA					
INDEP. CITY POQUOSON	195	237	280	323	365
STATE: VA					
INDEP. CITY WILLIAMSBURG	195	237	280	323	365
STATE: VA					
SMSA: NORFOLK-VIRGINIA BEACH-PORTSMOUTH, VA-NC					
INDEP. CITY CHESAPEAKE	205	249	294	339	383
STATE: VA					
INDEP. CITY NORFOLK	205	249	294	339	383
STATE: VA					
INDEP. CITY PORTSMOUTH	205	249	294	339	383
STATE: VA					
INDEP. CITY SUFFOLK	205	249	294	339	383
STATE: VA					
INDEP. CITY VIRGINIA BEA	205	249	294	339	383
STATE: VA					
SMSA: PETERSBURG-COLONIAL HEIGHTS-HOPEWELL, VA					
COUNTY DINWIDDIE	215	263	310	357	405
STATE: VA					
COUNTY PRINCEGEORGE	215	263	310	357	405
STATE: VA					
INDEP. CITY COLONIAL HEI	215	263	310	357	405
STATE: VA					
INDEP. CITY HOPEWELL	215	263	310	357	405
STATE: VA					
INDEP. CITY PETERSBURG	215	263	310	357	405
STATE: VA					

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
RICHMOND, VIRGINIA AREA OFFICE					
SMSA: RICHMOND, VA					
COUNTY: CHARLES CITY	208	252	298	344	389
STATE: VA					
COUNTY: CHESTERFIELD	208	252	298	344	389
STATE: VA					
COUNTY: GOOCHLAND	208	252	298	344	389
STATE: VA					
COUNTY: HANOVER	208	252	298	344	389
STATE: VA					
COUNTY: HENRICO	208	252	298	344	389
STATE: VA					
COUNTY: NEW KENT	208	252	298	344	389
STATE: VA					
COUNTY: POWHATAN	208	252	298	344	389
STATE: VA					
INDEP. CITY: RICHMOND	208	252	298	344	389
STATE: VA					
SMSA: ROANOKE, VA					
COUNTY: BOTETCOURT	184	225	265	306	346
STATE: VA					
COUNTY: CRAIG	184	225	265	306	346
STATE: VA					
COUNTY: ROANOKE	184	225	265	306	346
STATE: VA					
INDEP. CITY: ROANOKE	184	225	265	306	346
STATE: VA					
INDEP. CITY: SALEM	184	225	265	306	346
STATE: VA					
NON SMSA					
COUNTY: ACCOMACK	190	231	272	314	356
STATE: VA					
COUNTY: ALBEMARLE	215	263	310	357	405
STATE: VA					
COUNTY: ALLEGHANY	184	225	265	306	346
STATE: VA					
COUNTY: AMELIA	215	263	310	357	405
STATE: VA					
COUNTY: AUGUSTA	161	196	231	267	302
STATE: VA					
COUNTY: BATH	161	196	231	267	302
STATE: VA					
COUNTY: BEDFORD	203	246	291	334	379
STATE: VA					
COUNTY: BLAND	133	163	192	221	251
STATE: VA					
COUNTY: BRUNSWICK	215	263	310	357	405
STATE: VA					
COUNTY: BUCHANAN	133	163	192	221	251
STATE: VA					
COUNTY: BUCKINGHAM	215	263	310	357	405
STATE: VA					

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
RICHMOND, VIRGINIA AREA OFFICE NON SMSA					
COUNTY CAROLINE STATE VA	215	263	310	357	405
COUNTY CARROLL STATE VA	148	181	214	247	279
COUNTY CHARLOTTE STATE VA	203	246	291	334	379
COUNTY CLARKE STATE VA	161	196	231	267	302
COUNTY CULPEPER STATE VA	184	227	275	310	347
COUNTY CUMBERLAND STATE VA	215	263	310	357	405
COUNTY DICKENSON STATE VA	163	178	213	236	298
COUNTY ESSEX STATE VA	215	263	310	357	405
COUNTY FAUQUIER STATE VA	184	225	269	318	373
COUNTY FLOYD STATE VA	184	225	265	306	346
COUNTY FLUVANNA STATE VA	215	263	310	357	405
COUNTY FRANKLIN STATE VA	146	178	209	243	274
COUNTY FREDERICK STATE VA	161	196	231	267	302
COUNTY GILES STATE VA	184	225	265	306	346
COUNTY GRAYSON STATE VA	148	181	214	247	279
COUNTY GREENE STATE VA	215	263	310	357	405
COUNTY GREENSVILLE STATE VA	215	263	310	357	405
COUNTY HALIFAX STATE VA	203	246	291	334	379
COUNTY HENRY STATE VA	184	225	265	306	346
COUNTY HIGHLAND STATE VA	161	196	231	267	302
COUNTY ISLE OF WIGHT STATE VA	146	178	209	243	274
COUNTY KING + QUEEN STATE VA	215	263	310	357	405
COUNTY KING GEORGE STATE VA	184	225	265	306	346
COUNTY KING WILLIAM STATE VA	215	263	310	357	405

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
RICHMOND, VIRGINIA AREA OFFICE					
NON SMSA					
COUNTY LANCASTER STATE VA	215	263	310	357	405
COUNTY LEE STATE VA	149	166	210	228	271
COUNTY LOUISA STATE VA	215	263	310	357	405
COUNTY LUNENBURG STATE VA	215	263	310	357	405
COUNTY MADISON STATE VA	215	263	310	357	405
COUNTY MATHEWS STATE VA	146	178	209	243	274
COUNTY MECKLENBURG STATE VA	215	263	310	357	405
COUNTY MIDDLESEX STATE VA	146	178	209	243	274
COUNTY MONTGOMERY STATE VA	184	225	265	306	346
COUNTY NELSON STATE VA	203	246	291	334	379
COUNTY NORTHAMPTON STATE VA	190	231	272	314	356
COUNTY NORTHUMBERLAND STATE VA	215	263	310	357	405
COUNTY NOTTOWAY STATE VA	215	263	310	357	405
COUNTY ORANGE STATE VA	215	263	310	357	405
COUNTY PAGE STATE VA	161	196	231	267	302
COUNTY PATRICK STATE VA	184	225	265	306	346
COUNTY PITTSYLVANIA STATE VA	203	246	291	334	379
COUNTY PRINCEGEORGE STATE VA	215	263	310	357	405
COUNTY PULASKI STATE VA	184	225	265	306	346
COUNTY RAPPAHANNOCK STATE VA	184	225	265	306	346
COUNTY RICHMOND STATE VA	208	252	298	344	389
COUNTY ROCKBRIDGE STATE VA	161	196	231	267	302
COUNTY ROCKINGHAM STATE VA	161	196	231	267	302
COUNTY RUSSELL STATE VA	176	197	249	271	322

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
RICHMOND, VIRGINIA AREA OFFICE					
NON SMSA					
COUNTY SHENANDOAH STATE VA	161	196	231	267	302
COUNTY SMYTH STATE VA	149	166	210	228	271
COUNTY SOUTHAMPTON STATE VA	146	178	209	243	274
COUNTY SPOTSLYVANIA STATE VA	184	225	265	306	346
COUNTY STAFFORD STATE VA	184	225	265	306	346
COUNTY SURRY STATE VA	146	178	209	243	274
COUNTY SUSSEX STATE VA	215	263	310	357	405
COUNTY TAZEWELL STATE VA	176	197	249	271	322
COUNTY WARREN STATE VA	161	196	231	267	302
COUNTY WESTMORELAND STATE VA	215	263	310	357	405
COUNTY WISE STATE VA	176	197	249	271	322
COUNTY WYTHE STATE VA	184	225	265	306	346
INDEP. CITY BEDFORD STATE VA	203	246	291	334	379
INDEP. CITY BUENA VISTA STATE VA	161	196	231	267	302
INDEP. CITY CHARLOTTESVILLE STATE VA	215	263	310	357	405
INDEP. CITY CLIFTON FORG STATE VA	184	225	265	306	346
INDEP. CITY COVINGTON STATE VA	184	225	265	306	346
INDEP. CITY DANVILLE STATE VA	203	246	291	334	379
INDEP. CITY EMPORIA STATE VA	215	263	310	357	405
INDEP. CITY FRANKLIN STATE VA	184	225	265	306	346
INDEP. CITY FREDERICKSBURG STATE VA	184	225	265	306	346
INDEP. CITY GALAX STATE VA	148	181	214	247	279
INDEP. CITY HARRISONBURG STATE VA	161	196	231	267	302
INDEP. CITY LEXINGTON STATE VA	161	196	231	267	302

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
RICHMOND, VIRGINIA AREA OFFICE NON SMSA					
INDEP. CITY MARTINSVILLE STATE VA	184	225	265	306	346
INDEP. CITY NORTON STATE VA	176	197	249	271	322
INDEP. CITY RADFORD STATE VA	184	225	265	306	346
INDEP. CITY SOUTH BOSTON STATE VA	203	246	291	334	379
INDEP. CITY STAUNTON STATE VA	183	218	261	331	388
INDEP. CITY WAYNESBORO STATE VA	161	196	231	267	302
INDEP. CITY WINCHESTER STATE VA	161	196	231	267	302
WASHINGTON, D.C. AREA OFFICE SMSA: WASHINGTON, DC-MD-VA					
COUNTY MONTGOMERY STATE MD	234	284	334	385	435
COUNTY PRINCE GEORG STATE MD	234	284	334	385	435
COUNTY WASHINGTON STATE DC	234	284	334	385	435
COUNTY ARLINGTON STATE VA	234	284	334	385	435
COUNTY FAIRFAX STATE VA	234	284	334	385	435
COUNTY LOUDOUN STATE VA	234	284	334	385	435
COUNTY PRINCEWILLIA STATE VA	234	284	334	385	435
INDEP. CITY ALEXANDRIA STATE VA	234	284	334	385	435
INDEP. CITY FAIRFAX STATE VA	234	284	334	385	435
INDEP. CITY FALLS CHURCH STATE VA	234	284	334	385	435
INDEP. CITY MANASSAS STATE VA	234	284	334	385	435
INDEP. CITY MANASSAS PRK STATE VA	234	284	334	385	435

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ATLANTA, GEORGIA AREA OFFICE					
SMSA: ALBANY, GA					
COUNTY DOUGHERTY	146	178	209	243	274
STATE: GA					
COUNTY LEE	146	178	209	243	274
STATE: GA					
SMSA: ATLANTA, GA					
COUNTY BUTTS	206	252	295	339	384
STATE: GA					
COUNTY CHEROKEE	206	252	295	339	384
STATE: GA					
COUNTY CLAYTON	206	252	295	339	384
STATE: GA					
COUNTY COBB	206	252	295	339	384
STATE: GA					
COUNTY DE KALB	206	252	295	339	384
STATE: GA					
COUNTY DOUGLAS	206	252	295	339	384
STATE: GA					
COUNTY FAYETTE	206	252	295	339	384
STATE: GA					
COUNTY FORSYTH	206	252	295	339	384
STATE: GA					
COUNTY FULTON	206	252	295	339	384
STATE: GA					
COUNTY GWINNETT	206	252	295	339	384
STATE: GA					
COUNTY HENRY	206	252	295	339	384
STATE: GA					
COUNTY NEWTON	206	252	295	339	384
STATE: GA					
COUNTY PAULDING	206	252	295	339	384
STATE: GA					
COUNTY ROCKDALE	206	252	295	339	384
STATE: GA					
COUNTY WALTON	206	252	295	339	384
STATE: GA					
SMSA: AUGUSTA, GA-SC					
COUNTY COLUMBIA	190	231	272	314	356
STATE: GA					
COUNTY RICHMOND	190	231	272	314	356
STATE: GA					
SMSA: CHATTANOOGA, TN-GA					
COUNTY CATOOSA	167	204	242	278	315
STATE: GA					
COUNTY DADE	167	204	242	278	315
STATE: GA					
COUNTY WALKER	167	204	242	278	315
STATE: GA					
SMSA: COLUMBUS, GA-AL					
COUNTY CHATTAHOOCHEE	162	198	233	269	304
STATE: GA					

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ATLANTA, GEORGIA AREA OFFICE					
SMSA: COLUMBUS, GA-AL					
COUNTY: COLUMBUS					
STATE: GA	162	198	233	269	304
SMSA: MACON, GA					
COUNTY: BIBB					
STATE: GA	146	178	209	243	274
COUNTY: HOUTSON					
STATE: GA	146	178	209	243	274
COUNTY: JONES					
STATE: GA	146	178	209	243	274
COUNTY: TWIGGS					
STATE: GA	146	178	209	243	274
SMSA: SAVANNAH, GA					
COUNTY: BRYAN					
STATE: GA	210	225	256	296	333
COUNTY: CHATHAM					
STATE: GA	210	225	256	296	333
COUNTY: EFFINGHAM					
STATE: GA	210	225	256	296	333
NON SMSA					
COUNTY: APPLING					
STATE: GA	148	181	214	247	279
COUNTY: ATKINSON					
STATE: GA	148	181	214	247	279
COUNTY: BACON					
STATE: GA	148	181	214	247	279
COUNTY: BAKER					
STATE: GA	146	178	209	243	274
COUNTY: BALDWIN					
STATE: GA	146	178	209	243	274
COUNTY: BANKS					
STATE: GA	166	202	239	276	313
COUNTY: BARROW					
STATE: GA	166	202	239	276	313
COUNTY: BARTON					
STATE: GA	137	168	198	229	258
COUNTY: BEN HILL					
STATE: GA	146	178	209	243	274
COUNTY: BERRIEN					
STATE: GA	146	178	209	243	274
COUNTY: BLECKLEY					
STATE: GA	146	178	209	243	274
COUNTY: BRANTLEY					
STATE: GA	160	195	230	265	300
COUNTY: BROOKS					
STATE: GA	146	178	209	243	274
COUNTY: BULLOCH					
STATE: GA	148	181	214	247	279
COUNTY: BURKE					
STATE: GA	167	204	242	278	315

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ATLANTA, GEORGIA AREA OFFICE					
NON SMSA					
COUNTY: CALHOUN STATE: GA	146	178	209	243	274
COUNTY: CAMDEN STATE: GA	160	195	230	265	300
COUNTY: CANDLER STATE: GA	148	181	214	247	279
COUNTY: CARROLL STATE: GA	157	191	225	260	295
COUNTY: CHARLTON STATE: GA	160	195	230	265	300
COUNTY: CHATTOGA STATE: GA	143	174	206	237	269
COUNTY: CLARKE STATE: GA	166	202	239	276	313
COUNTY: CLAY STATE: GA	146	178	209	243	274
COUNTY: CLINCH STATE: GA	146	178	209	243	274
COUNTY: COFFEE STATE: GA	148	181	214	247	279
COUNTY: COLQUITT STATE: GA	146	178	209	243	274
COUNTY: COOK STATE: GA	146	178	209	243	274
COUNTY: COWETA STATE: GA	157	191	225	260	295
COUNTY: CRAWFORD STATE: GA	146	178	209	243	276
COUNTY: CRISP STATE: GA	146	178	209	243	274
COUNTY: DAWSON STATE: GA	137	168	198	229	258
COUNTY: DECATUR STATE: GA	146	178	209	243	274
COUNTY: DODGE STATE: GA	146	178	209	243	274
COUNTY: DOOLY STATE: GA	146	178	209	243	274
COUNTY: EARLY STATE: GA	146	178	209	243	274
COUNTY: ECHOLS STATE: GA	146	178	209	243	274
COUNTY: ELBERT STATE: GA	166	202	239	276	313
COUNTY: EMANUEL STATE: GA	167	204	242	278	315
COUNTY: EVANS STATE: GA	148	181	214	247	279

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ATLANTA, GEORGIA AREA OFFICE NON SMSA					
COUNTY FANNIN STATE GA	137	168	198	229	258
COUNTY FLOYD STATE GA	137	168	198	229	258
COUNTY FRANKLIN STATE GA	166	202	239	276	313
COUNTY GILMER STATE GA	137	168	198	229	258
COUNTY GLASCOCK STATE GA	167	204	242	278	315
COUNTY GLYNN STATE GA	176	214	252	292	330
COUNTY GORDON STATE GA	143	174	206	237	269
COUNTY GRADY STATE GA	146	178	209	243	274
COUNTY GREENE STATE GA	166	202	239	276	313
COUNTY HABERSHAM STATE GA	137	168	198	229	258
COUNTY HALL STATE GA	166	202	239	276	313
COUNTY HANCOCK STATE GA	146	178	209	243	274
COUNTY HARALSON STATE GA	137	168	198	229	258
COUNTY HARRIS STATE GA	162	198	233	269	304
COUNTY HART STATE GA	166	202	239	276	313
COUNTY HEARD STATE GA	162	198	233	269	304
COUNTY IRWIN STATE GA	146	178	209	243	274
COUNTY JACKSON STATE GA	166	202	239	276	313
COUNTY JASPER STATE GA	146	178	209	243	274
COUNTY JEFF DAVIS STATE GA	148	181	214	247	279
COUNTY JEFFERSON STATE GA	167	204	242	278	315
COUNTY JENKINS STATE GA	167	204	242	278	315
COUNTY JOHNSON STATE GA	146	178	209	243	274
COUNTY LAMAR STATE GA	157	191	225	260	295

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ATLANTA, GEORGIA AREA OFFICE					
NON SWSA					
COUNTY LANIER STATE: GA	146	178	209	243	274
COUNTY LAURENS STATE: GA	146	178	209	243	274
COUNTY LIBERTY STATE: GA	160	189	225	259	298
COUNTY LINCOLN STATE: GA	167	204	242	278	315
COUNTY LONG STATE: GA	148	181	214	247	279
COUNTY LOWNDES STATE: GA	146	178	209	243	274
COUNTY LUMPKIN STATE: GA	137	168	198	229	258
COUNTY MCDUFFIE STATE: GA	167	204	242	278	315
COUNTY MCINTOSH STATE: GA	160	195	230	265	300
COUNTY MACON STATE: GA	146	178	209	243	274
COUNTY MADISON STATE: GA	166	202	239	276	313
COUNTY MARION STATE: GA	162	198	233	269	304
COUNTY MERIWETHER STATE: GA	162	198	233	269	304
COUNTY MILLER STATE: GA	146	178	209	243	274
COUNTY MITCHELL STATE: GA	146	178	209	243	274
COUNTY MONROE STATE: GA	146	178	209	243	274
COUNTY MONTGOMERY STATE: GA	148	181	214	247	279
COUNTY MORGAN STATE: GA	166	202	239	276	313
COUNTY MURRAY STATE: GA	143	174	206	237	269
COUNTY OCONEE STATE: GA	166	202	239	276	313
COUNTY OGLETHERPE STATE: GA	166	202	239	276	313
COUNTY PEACH STATE: GA	146	178	209	243	274
COUNTY PICKENS STATE: GA	137	168	198	229	258
COUNTY PIERCE STATE: GA	160	195	230	265	300

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ATLANTA, GEORGIA AREA OFFICE NON SMSA					
COUNTY PIKE STATE GA	157	191	225	260	295
COUNTY POLK STATE GA	137	168	198	229	258
COUNTY POLASKI STATE GA	146	178	209	243	274
COUNTY PUTNAM STATE GA	146	178	209	243	274
COUNTY QUITMAN STATE GA	162	198	233	269	304
COUNTY RABUN STATE GA	137	168	198	229	258
COUNTY RANDOLPH STATE GA	146	178	209	243	274
COUNTY SCHLEY STATE GA	162	198	233	269	304
COUNTY SCREVEN STATE GA	148	181	214	247	279
COUNTY SEMINOLE STATE GA	146	178	209	243	274
COUNTY SPALDING STATE GA	157	191	225	260	295
COUNTY STEPHENS STATE GA	166	202	239	276	313
COUNTY STEWART STATE GA	162	198	233	269	304
COUNTY SUMTER STATE GA	178	217	256	296	334
COUNTY TALBOT STATE GA	162	198	233	269	304
COUNTY TALIAFERRO STATE GA	167	204	242	278	315
COUNTY TATTNALL STATE GA	148	181	214	247	279
COUNTY TAYLOR STATE GA	146	178	209	243	274
COUNTY TELFAIR STATE GA	146	178	209	243	274
COUNTY TERRELL STATE GA	146	178	209	243	274
COUNTY THOMAS STATE GA	146	178	209	243	274
COUNTY TIFT STATE GA	146	178	209	243	274
COUNTY TOOMBS STATE GA	148	181	214	247	279
COUNTY TOWNS STATE GA	137	168	198	229	258

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ATLANTA, GEORGIA AREA OFFICE					
NON SMSA					
COUNTY: TREUTLEN STATE: GA	146	178	209	243	274
COUNTY: TROUP STATE: GA	162	198	233	269	304
COUNTY: TURNER STATE: GA	146	178	209	243	274
COUNTY: UNION STATE: GA	137	168	198	229	258
COUNTY: UPSON STATE: GA	157	191	225	260	295
COUNTY: WARE STATE: GA	160	195	230	265	300
COUNTY: WARREN STATE: GA	167	204	242	278	315
COUNTY: WASHINGTON STATE: GA	146	178	209	243	274
COUNTY: WAYNE STATE: GA	148	181	214	247	279
COUNTY: WEBSTER STATE: GA	162	198	233	269	304
COUNTY: WHEELER STATE: GA	146	178	209	243	274
COUNTY: WHITE STATE: GA	137	168	198	229	258
COUNTY: WHITFIELD STATE: GA	143	174	206	237	269
COUNTY: WILCOX STATE: GA	146	178	209	243	274
COUNTY: WILKES STATE: GA	167	204	242	278	315
COUNTY: WILKINSON STATE: GA	146	178	209	243	274
COUNTY: WORTH STATE: GA	146	178	209	243	274

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BIRMINGHAM, ALABAMA AREA OFFICE					
SMSA: ANNISTON, AL COUNTY: CALHOUN STATE: AL	128	156	184	213	241
SMSA: BIRMINGHAM, AL COUNTY: JEFFERSON STATE: AL	177	216	254	293	332
COUNTY: ST. CLAIR STATE: AL	177	216	254	293	332
COUNTY: SHELBY STATE: AL	177	216	254	293	332
COUNTY: WALKER STATE: AL	177	216	254	293	332
SMSA: COLUMBUS, GA-AL COUNTY: RUSSELL STATE: AL	162	198	233	269	304
SMSA: FLORENCE, AL COUNTY: COLBERT STATE: AL	168	206	246	281	318
COUNTY: LAUDERDALE STATE: AL	168	206	246	281	318
SMSA: GADSDEN, AL COUNTY: ETOWAH STATE: AL	128	156	184	213	241
SMSA: HUNTSVILLE, AL COUNTY: LIMESTONE STATE: AL	176	214	253	292	330
COUNTY: MADISON STATE: AL	176	214	253	292	330
SMSA: HUNTSVILLE, AL COUNTY: MARSHALL STATE: AL	176	214	253	292	330
SMSA: MOBILE, AL COUNTY: BALDWIN STATE: AL	142	172	204	235	267
COUNTY: MOBILE STATE: AL	142	172	204	235	267
SMSA: MONTGOMERY, AL COUNTY: AUTAUGA STATE: AL	141	171	202	233	264
COUNTY: ELMORE STATE: AL	141	171	202	233	264
COUNTY: MONTGOMERY STATE: AL	141	171	202	233	264
SMSA: TUSCALOOSA, AL COUNTY: TUSCALOOSA STATE: AL	166	202	239	276	313
NON SMSA COUNTY: BARBOUR STATE: AL	160	195	230	265	300
COUNTY: BIBB STATE: AL	166	202	239	276	313
COUNTY: BLOUNT STATE: AL	128	156	184	213	241
COUNTY: BULLOCK STATE: AL	141	171	202	233	264

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BIRMINGHAM, ALABAMA AREA OFFICE NON SNRA					
COUNTY: BUTLER STATE: AL	160	195	230	265	300
COUNTY: CHAMBERS STATE: AL	162	198	233	269	304
COUNTY: CHEROKEE STATE: AL	128	156	184	213	241
COUNTY: CHILTON STATE: AL	166	202	239	276	313
COUNTY: CHOCTAW STATE: AL	162	198	233	269	304
COUNTY: CLARKE STATE: AL	152	186	219	253	287
COUNTY: CLAY STATE: AL	128	156	184	213	241
COUNTY: CLEBURNE STATE: AL	137	168	198	229	258
COUNTY: COFFEE STATE: AL	160	195	230	265	300
COUNTY: CONECUH STATE: AL	152	186	219	253	287
COUNTY: COOSA STATE: AL	141	171	202	233	264
COUNTY: COUINGTON STATE: AL	160	195	230	265	300
COUNTY: CRENSHAW STATE: AL	160	195	230	265	300
COUNTY: CULLMAN STATE: AL	128	156	184	213	241
COUNTY: DALE STATE: AL	160	195	230	265	300
COUNTY: DALLAS STATE: AL	141	171	202	233	264
COUNTY: DE KALB STATE: AL	143	174	206	237	269
COUNTY: ESCAMBIA STATE: AL	185	226	267	308	348
COUNTY: FAYETTE STATE: AL	166	202	239	276	313
COUNTY: FRANKLIN STATE: AL	138	169	200	231	262
COUNTY: GENEVA STATE: AL	160	195	230	265	300
COUNTY: GREENE STATE: AL	166	202	239	276	313
COUNTY: HALE STATE: AL	166	202	239	276	313
COUNTY: HENRY STATE: AL	160	195	230	265	300

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BIRMINGHAM, ALABAMA AREA OFFICE					
NON SMSA					
COUNTY: HOUSTON STATE: AL	160	195	230	265	300
COUNTY: JACKSON STATE: AL	143	174	206	237	269
COUNTY: LAMAR STATE: AL	166	202	239	276	313
COUNTY: LAWRENCE STATE: AL	138	169	200	231	262
COUNTY: LEE STATE: AL	162	198	233	269	304
COUNTY: LOWNDES STATE: AL	141	171	202	233	264
COUNTY: MACON STATE: AL	141	171	202	233	264
COUNTY: MARENGO STATE: AL	162	198	233	269	304
COUNTY: MARION STATE: AL	166	202	239	276	313
COUNTY: MONROE STATE: AL	152	186	219	253	287
COUNTY: MORGAN STATE: AL	176	214	253	292	330
COUNTY: PERRY STATE: AL	141	171	202	233	264
COUNTY: PICKENS STATE: AL	166	202	239	276	313
COUNTY: PIKE STATE: AL	160	195	230	265	300
COUNTY: RANDOLPH STATE: AL	162	198	233	269	304
COUNTY: SUMTER STATE: AL	162	198	233	269	304
COUNTY: TALLADEGA STATE: AL	148	181	213	246	280
COUNTY: TALLAPOOSA STATE: AL	141	171	202	233	264
COUNTY: WASHINGTON STATE: AL	152	186	219	253	287
COUNTY: WILCOX STATE: AL	152	186	219	253	287
COUNTY: WINSTON STATE: AL	166	202	239	276	313

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COLUMBIA, SOUTH CAROLINA AREA OFFICE					
SMSA: AUGUSTA, GA-SC COUNTY: AIKEN STATE: SC	190	231	272	314	356
SMSA: CHARLESTON, SC COUNTY: BERKELEY STATE: SC	196	240	282	326	368
COUNTY: CHARLESTON STATE: SC	196	240	282	326	368
COUNTY: DORCHESTER STATE: SC	196	240	282	326	368
SMSA: COLUMBIA, SC COUNTY: LEXINGTON STATE: SC	190	231	272	314	356
COUNTY: RICHLAND STATE: SC	190	231	272	314	356
SMSA: GREENVILLE-SPARTANBURG, SC COUNTY: GREENVILLE STATE: SC	161	196	231	267	302
COUNTY: PICKENS STATE: SC	161	196	231	267	302
COUNTY: SPARTANBURG STATE: SC	161	196	231	267	302
NON SMSA					
COUNTY: ABBEVILLE STATE: SC	141	171	202	233	264
COUNTY: ALLENDALE STATE: SC	167	204	242	278	315
COUNTY: ANDERSON STATE: SC	141	171	202	233	264
COUNTY: BAMBERG STATE: SC	167	204	242	278	315
COUNTY: BARNWELL STATE: SC	167	204	242	278	315
COUNTY: BEAUFORT STATE: SC	167	204	242	278	315
COUNTY: CALHOUN STATE: SC	151	184	218	251	284
COUNTY: CHEROKEE STATE: SC	160	194	228	264	298
COUNTY: CHESTER STATE: SC	152	186	219	253	287
COUNTY: CHESTERFIELD STATE: SC	150	183	216	249	282
COUNTY: CLARENDON STATE: SC	151	184	218	251	284
COUNTY: COLLETON STATE: SC	167	204	242	278	315
COUNTY: DARLINGTON STATE: SC	150	183	216	249	282
COUNTY: DILLON STATE: SC	150	183	216	249	282

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COLUMBIA, SOUTH CAROLINA AREA OFFICE					
NON SMSA					
COUNTY EDGEFIELD STATE SC	167	204	242	278	315
COUNTY FAIRFIELD STATE SC	151	184	218	251	284
COUNTY FLORENCE STATE SC	150	183	216	249	290
COUNTY GEORGETOWN STATE SC	150	183	216	249	282
COUNTY GREENWOOD STATE SC	141	171	202	233	264
COUNTY HAMPTON STATE SC	167	204	242	278	315
COUNTY HORRY STATE SC	167	203	239	274	311
COUNTY JASPER STATE SC	148	181	214	247	279
COUNTY KERSHAW STATE SC	151	184	218	251	284
COUNTY LANCASTER STATE SC	152	186	219	253	287
COUNTY LAURENS STATE SC	141	171	202	233	264
COUNTY LEE STATE SC	151	184	218	251	284
COUNTY MCCORMICK STATE SC	167	204	242	278	315
COUNTY MARION STATE SC	150	183	216	249	282
COUNTY MARLBORO STATE SC	150	183	216	249	282
COUNTY NEWBERRY STATE SC	151	184	218	251	284
COUNTY OCONEE STATE SC	160	194	228	264	298
COUNTY ORANGEBURG STATE SC	167	203	239	274	311
COUNTY SALUDA STATE SC	167	204	242	278	315
COUNTY SUMTER STATE SC	151	184	218	251	284
COUNTY UNION STATE SC	141	171	202	233	264
COUNTY WILLIAMSBURG STATE SC	150	183	216	249	282
COUNTY YORK STATE SC	152	186	219	253	287

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
GREENSBORO, NORTH CAROLINA AREA OFFICE					
SMSA: ASHEVILLE, NC					
COUNTY: BUNCOMBE	151	184	218	251	284
STATE: NC					
COUNTY: MADISON	151	184	218	251	284
STATE: NC					
SMSA: BURLINGTON, NC					
COUNTY: ALAMANCE	175	213	251	290	328
STATE: NC					
SMSA: CHARLOTTE-GASTONIA, NC					
COUNTY: GASTON	212	258	303	351	396
STATE: NC					
COUNTY: MECKLENBURG	212	258	303	351	396
STATE: NC					
COUNTY: UNION	212	258	303	351	396
STATE: NC					
SMSA: FAYETTEVILLE, NC					
COUNTY: CUMBERLAND	194	236	279	321	363
STATE: NC					
SMSA: GREENSBORO--WINSTON-SALEM--HIGH POINT, NC					
COUNTY: DAVIDSON	175	213	251	290	328
STATE: NC					
COUNTY: FORSYTH	175	213	251	290	328
STATE: NC					
COUNTY: GUILFORD	175	213	251	290	328
STATE: NC					
COUNTY: RANDOLPH	175	213	251	290	328
STATE: NC					
COUNTY: STOKES	175	213	251	290	328
STATE: NC					
COUNTY: YADKIN	175	213	251	290	328
STATE: NC					
SMSA: NORFOLK-VIRGINIA BEACH-PORTSMOUTH, VA-NC					
COUNTY: CURRITUCK	205	249	294	339	383
STATE: NC					
SMSA: RALEIGH-DURHAM, NC					
COUNTY: DURHAM	187	228	268	309	350
STATE: NC					
COUNTY: ORANGE	187	228	268	309	350
STATE: NC					
COUNTY: WAKE	187	228	268	309	350
STATE: NC					
SMSA: WILMINGTON, NC					
COUNTY: BRUNSWICK	162	198	233	269	304
STATE: NC					
COUNTY: NEW HANOVER	162	198	233	269	304
STATE: NC					
NON SMSA					
COUNTY: ALEXANDER	158	193	228	263	297
STATE: NC					
COUNTY: ALLEGANY	158	193	228	263	297
STATE: NC					
COUNTY: ANSON	175	213	251	290	328
STATE: NC					

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
GREENSBORO, NORTH CAROLINA AREA OFFICE					
NON SRS					
COUNTY ASHE STATE NC	158	193	228	263	297
COUNTY AVERY STATE NC	158	193	228	263	297
COUNTY BEAUFORT STATE NC	187	228	268	310	350
COUNTY BERTIE STATE NC	146	178	209	243	274
COUNTY BLADEN STATE NC	194	236	279	321	363
COUNTY BURKE STATE NC	158	193	228	263	297
COUNTY CABARRUS STATE NC	142	172	204	235	267
COUNTY CALDWELL STATE NC	158	193	228	263	297
COUNTY CAMDEN STATE NC	187	228	268	310	350
COUNTY CARTERET STATE NC	162	198	233	269	304
COUNTY CASWELL STATE NC	203	246	291	334	379
COUNTY CATAWBA STATE NC	158	193	228	263	297
COUNTY CHATHAM STATE NC	194	236	279	321	363
COUNTY CHEROKEE STATE NC	151	184	218	251	284
COUNTY CHOWAN STATE NC	187	228	268	310	350
COUNTY CLAY STATE NC	151	184	218	251	284
COUNTY CLEVELAND STATE NC	158	193	228	263	297
COUNTY COLUMBUS STATE NC	162	198	233	269	304
COUNTY CRAVEN STATE NC	162	198	233	269	304
COUNTY DARE STATE NC	187	228	268	310	350
COUNTY DAVIE STATE NC	175	213	251	290	328
COUNTY DUPLIN STATE NC	162	198	233	269	304
COUNTY EDGECOMBE STATE NC	146	178	209	243	274
COUNTY FRANKLIN STATE NC	146	178	209	243	274

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR, 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
GREENSBORO, NORTH CAROLINA AREA OFFICE					
NON-SMSA					
COUNTY: GATES STATE: NC	187	228	268	310	350
COUNTY: GRAHAM STATE: NC	151	184	218	251	284
COUNTY: GRANVILLE STATE: NC	146	178	209	243	274
COUNTY: GREENE STATE: NC	187	228	268	310	350
COUNTY: HALIFAX STATE: NC	146	178	209	243	274
COUNTY: HARNETT STATE: NC	194	236	279	321	363
COUNTY: HAYWOOD STATE: NC	151	184	218	251	284
COUNTY: HENDERSON STATE: NC	151	184	218	251	284
COUNTY: HERTFORD STATE: NC	146	178	209	243	274
COUNTY: HOKE STATE: NC	194	236	279	321	363
COUNTY: HYDE STATE: NC	187	228	268	310	350
COUNTY: IREDELL STATE: NC	142	172	204	235	267
COUNTY: JACKSON STATE: NC	151	184	218	251	284
COUNTY: JOHNSTON STATE: NC	187	228	268	310	350
COUNTY: JONES STATE: NC	162	198	233	269	304
COUNTY: LEE STATE: NC	194	236	279	321	363
COUNTY: LENOIR STATE: NC	162	198	233	269	304
COUNTY: LINCOLN STATE: NC	152	186	219	253	287
COUNTY: MCDOWELL STATE: NC	157	191	225	259	293
COUNTY: MACON STATE: NC	151	184	218	251	284
COUNTY: MARTIN STATE: NC	187	228	268	310	350
COUNTY: MITCHELL STATE: NC	158	193	228	263	297
COUNTY: MONTGOMERY STATE: NC	175	213	251	290	328
COUNTY: MOORE STATE: NC	175	213	251	290	328

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
GREENSBORO, NORTH CAROLINA AREA OFFICE					
NON SMSA					
COUNTY: NASH STATE: NC	146	178	209	243	274
COUNTY: NORTHAMPTON STATE: NC	146	178	209	243	274
COUNTY: ONSLOW STATE: NC	162	198	233	269	304
COUNTY: PAMLICO STATE: NC	162	198	233	269	304
COUNTY: PASQUOTANK STATE: NC	187	228	268	310	350
COUNTY: PENDER STATE: NC	162	198	233	269	304
COUNTY: PERQUIMANS STATE: NC	187	228	268	310	350
COUNTY: PERSON STATE: NC	194	236	279	321	363
COUNTY: PITT STATE: NC	187	228	268	310	350
COUNTY: POLK STATE: NC	158	193	228	263	297
COUNTY: RICHMOND STATE: NC	175	213	251	290	328
COUNTY: ROBESON STATE: NC	194	236	279	321	363
COUNTY: ROCKINGHAM STATE: NC	148	181	214	247	279
COUNTY: ROWAN STATE: NC	142	172	204	235	267
COUNTY: RUTHERFORD STATE: NC	158	193	228	263	297
COUNTY: SAMPSON STATE: NC	194	236	279	321	363
COUNTY: SCOTLAND STATE: NC	142	172	204	235	267
COUNTY: STANLY STATE: NC	142	172	204	235	267
COUNTY: SURRY STATE: NC	175	213	251	290	328
COUNTY: SWAIN STATE: NC	151	184	218	251	284
COUNTY: TRANSYLVANIA STATE: NC	151	184	218	251	284
COUNTY: TYRRELL STATE: NC	187	228	268	310	350
COUNTY: VANCE STATE: NC	146	178	209	243	274
COUNTY: WARREN STATE: NC	194	236	279	321	363

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
GREENSBORO, NORTH CAROLINA AREA OFFICE					
NON SMSA					
COUNTY WASHINGTON STATE NC	187	228	268	310	350
COUNTY WATAUGA STATE NC	158	193	228	263	297
COUNTY WAYNE STATE NC	187	228	268	310	350
COUNTY WILKES STATE NC	158	193	228	263	297
COUNTY WILSON STATE NC	146	178	209	243	274
COUNTY YANCEY STATE NC	158	193	228	263	297
JACKSON, MISSISSIPPI AREA OFFICE					
SMSA: BILOXI-GULFPORT, MS					
COUNTY HANCOCK STATE MS	166	203	239	292	343
COUNTY HARRISON STATE MS	166	203	239	292	343
COUNTY STONE STATE MS	166	203	239	292	343
SMSA: JACKSON, MS					
COUNTY HINDS STATE MS	165	226	266	307	347
COUNTY RANKIN STATE MS	185	226	266	307	347
SMSA: MEMPHIS, TN-AR-MS					
COUNTY DE SOTO STATE MS	172	210	247	284	322
SMSA: PASCAGOULA-ROSS POINT, MS					
COUNTY JACKSON STATE MS	166	203	239	292	343
NON SMSA					
COUNTY ADAMS STATE MS	148	173	204	253	280
COUNTY ALCORN STATE MS	160	183	217	250	283
COUNTY AMITE STATE MS	148	173	204	253	280
COUNTY ATTALA STATE MS	161	179	214	260	285

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR, 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
JACKSON, MISSISSIPPI AREA OFFICE					
NON SMSA					
COUNTY: BENTON STATE: MS	161	194	227	260	295
COUNTY: BOLIVAR STATE: MS	162	175	215	254	282
COUNTY: CALHOUN STATE: MS	162	198	232	267	322
COUNTY: CARROLL STATE: MS	161	179	214	260	285
COUNTY: CHICKASAW STATE: MS	160	183	217	250	283
COUNTY: CHOCTAW STATE: MS	141	171	202	233	264
COUNTY: CLAIBORNE STATE: MS	161	179	214	260	285
COUNTY: CLARKE STATE: MS	162	198	233	269	304
COUNTY: CLAY STATE: MS	152	186	219	252	286
COUNTY: COAHOMA STATE: MS	164	200	236	273	307
COUNTY: COPIAH STATE: MS	161	179	214	260	285
COUNTY: COVINGTON STATE: MS	162	198	233	269	304
COUNTY: FORREST STATE: MS	162	198	233	269	304
COUNTY: FRANKLIN STATE: MS	148	173	204	253	280
COUNTY: GEORGE STATE: MS	159	194	227	262	299
COUNTY: GREENE STATE: MS	159	194	227	262	299
COUNTY: GRENADA STATE: MS	161	179	214	260	285
COUNTY: HOLMES STATE: MS	161	179	214	260	285
COUNTY: HUMPHREYS STATE: MS	162	175	215	254	282
COUNTY: ISSAQUENA STATE: MS	162	175	215	254	282
COUNTY: ITAWAMBA STATE: MS	160	183	217	250	283
COUNTY: JASPER STATE: MS	162	198	233	269	304
COUNTY: JEFFERSON STATE: MS	148	173	204	253	280
COUNTY: JEFFERSON DA STATE: MS	148	173	204	253	280

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
JACKSON, MISSISSIPPI AREA OFFICE					
NON SMSA					
COUNTY: JONES STATE: MS	162	198	233	269	304
COUNTY: KEMPER STATE: MS	162	198	233	269	304
COUNTY: LAFAYETTE STATE: MS	161	194	227	260	295
COUNTY: LAMAR STATE: MS	162	198	233	269	304
COUNTY: LAUDERDALE STATE: MS	162	198	233	269	304
COUNTY: LAWRENCE STATE: MS	148	173	204	253	280
COUNTY: LEAKE STATE: MS	140	170	202	233	264
COUNTY: LEE STATE: MS	152	186	219	252	286
COUNTY: LEFLORE STATE: MS	161	179	214	260	285
COUNTY: LINCOLN STATE: MS	148	173	204	253	280
COUNTY: LOWNDES STATE: MS	161	185	220	252	286
COUNTY: MADISON STATE: MS	161	179	214	260	285
COUNTY: MARION STATE: MS	140	169	200	231	263
COUNTY: MARSHALL STATE: MS	161	194	227	260	295
COUNTY: MONROE STATE: MS	162	198	232	267	322
COUNTY: MONTGOMERY STATE: MS	140	170	202	233	264
COUNTY: NESHOBIA STATE: MS	162	198	233	269	304
COUNTY: NEWTON STATE: MS	162	198	233	269	304
COUNTY: NOXUBEE STATE: MS	152	186	219	252	286
COUNTY: OKTIBBEHA STATE: MS	175	214	252	291	329
COUNTY: PANOLA STATE: MS	161	194	227	260	295
COUNTY: PEARL RIVER STATE: MS	143	172	208	267	315
COUNTY: PERRY STATE: MS	162	198	233	269	304
COUNTY: PIKE STATE: MS	148	173	204	253	280

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
JACKSON, MISSISSIPPI AREA OFFICE NON SMSA					
COUNTY: PONTOTOC STATE: MS	160	183	217	250	283
COUNTY: PRENTISS STATE: MS	160	183	217	250	283
COUNTY: QUITMAN STATE: MS	161	194	227	260	295
COUNTY: SCOTT STATE: MS	140	170	202	233	264
COUNTY: SHARKEY STATE: MS	162	175	215	254	282
COUNTY: SIMPSON STATE: MS	161	179	214	260	285
COUNTY: SMITH STATE: MS	140	170	202	233	264
COUNTY: SUNFLOWER STATE: MS	162	175	215	254	282
COUNTY: TALLAHATCHIE STATE: MS	140	170	202	233	264
COUNTY: TATE STATE: MS	161	194	227	260	295
COUNTY: TIPPAAH STATE: MS	164	200	236	273	307
COUNTY: TISHOMINGO STATE: MS	160	183	217	250	283
COUNTY: TUNICA STATE: MS	161	194	227	260	295
COUNTY: UNION STATE: MS	162	198	232	267	322
COUNTY: WALTHALL STATE: MS	148	173	204	253	280
COUNTY: WARREN STATE: MS	161	179	214	260	285
COUNTY: WASHINGTON STATE: MS	162	175	215	254	282
COUNTY: WAYNE STATE: MS	162	198	233	269	304
COUNTY: WEBSTER STATE: MS	152	186	219	252	286
COUNTY: WILKINSON STATE: MS	142	173	204	235	266
COUNTY: WINSTON STATE: MS	162	198	233	269	304
COUNTY: YALOBUSHA STATE: MS	140	170	202	233	264
COUNTY: YAZOO STATE: MS	161	179	214	260	285

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
JACKSONVILLE, FLORIDA AREA OFFICE					
SMSA: FORT LAUDERDALE-HOLLYWOOD, FL COUNTY: BROWARD STATE: FL	299	362	427	493	557
SMSA: FORT MYERS-CAPE CORAL, FL COUNTY: LEE STATE: FL	224	273	322	371	420
SMSA: MIAMI, FL COUNTY: DADE STATE: FL	276	335	395	455	513
SMSA: WEST PALM BEACH-BOCA RATON, FL COUNTY: PALM BEACH STATE: FL	251	305	359	414	468
NON SMSA					
COUNTY: CHARLOTTE STATE: FL	224	273	322	371	420
COUNTY: COLLIER STATE: FL	211	258	303	349	396
COUNTY: GLADES STATE: FL	177	216	255	294	333
COUNTY: HENDRY STATE: FL	177	216	255	294	333
COUNTY: MARTIN STATE: FL	177	216	255	294	333
COUNTY: MONROE STATE: FL	177	216	255	294	333
SMSA: GAINESVILLE, FL COUNTY: ALACHUA STATE: FL	177	216	255	294	333
SMSA: JACKSONVILLE, FL COUNTY: BAKER STATE: FL	187	228	268	310	350
COUNTY: CLAY STATE: FL	187	228	268	310	350
COUNTY: DUVAL STATE: FL	187	228	268	310	350
COUNTY: NASSAU STATE: FL	187	228	268	310	350
COUNTY: ST. JOHNS STATE: FL	187	228	268	310	350
SMSA: PANAMA CITY, FL COUNTY: BAY STATE: FL	177	216	255	294	333
SMSA: PENSACOLA, FL COUNTY: ESCAMBIA STATE: FL	185	226	267	308	348
COUNTY: SANTA ROSA STATE: FL	185	226	267	308	348
SMSA: TALLAHASSEE, FL COUNTY: LEON STATE: FL	177	216	255	294	333
COUNTY: WAKULLA STATE: FL	177	216	255	294	333
NON SMSA					
COUNTY: BRADFORD STATE: FL	160	195	230	265	300

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION	4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
JACKSONVILLE, FLORIDA AREA OFFICE						
NON SMSA						
COUNTY: CALHOUN	STATE: FL	177	216	255	294	333
COUNTY: COLUMBIA	STATE: FL	160	195	230	265	300
COUNTY: DIXIE	STATE: FL	177	216	255	294	333
COUNTY: FLAGLER	STATE: FL	169	206	244	280	317
COUNTY: FRANKLIN	STATE: FL	177	216	255	294	333
COUNTY: GADSDEN	STATE: FL	177	216	255	294	333
COUNTY: GILCHRIST	STATE: FL	177	216	255	294	333
COUNTY: GULF	STATE: FL	177	216	255	294	333
COUNTY: HAMILTON	STATE: FL	160	195	230	265	300
COUNTY: HOLMES	STATE: FL	177	216	255	294	333
COUNTY: JACKSON	STATE: FL	177	216	255	294	333
COUNTY: JEFFERSON	STATE: FL	177	216	255	294	333
COUNTY: LAFAYETTE	STATE: FL	160	195	230	265	300
COUNTY: LEVY	STATE: FL	177	216	255	294	333
COUNTY: LIBERTY	STATE: FL	177	216	255	294	333
COUNTY: MADISON	STATE: FL	177	216	255	294	333
COUNTY: MARION	STATE: FL	177	216	255	294	333
COUNTY: OKALOOSA	STATE: FL	185	226	267	308	348
COUNTY: PUTNAM	STATE: FL	177	216	255	294	333
COUNTY: SUWANNEE	STATE: FL	160	195	230	265	300
COUNTY: TAYLOR	STATE: FL	177	216	255	294	333
COUNTY: UNION	STATE: FL	160	195	230	265	300
COUNTY: WALTON	STATE: FL	185	226	267	308	348
COUNTY: WASHINGTON	STATE: FL	177	216	255	294	333

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
JACKSONVILLE, FLORIDA AREA OFFICE					
SMSA: DAYTONA BEACH, FL					
COUNTY VOLUSTA	169	206	244	280	317
STATE FL					
SMSA: MELBOURN-TITUSVILLE-COCOA FL					
COUNTY BREVARD	222	269	317	367	414
STATE FL					
SMSA: ORLANDO, FL					
COUNTY ORANGE	216	263	310	357	404
STATE FL					
COUNTY OSCEOLA	216	263	310	357	404
STATE FL					
COUNTY SEMINOLE	216	263	310	357	404
STATE FL					
NON SMSA					
COUNTY INDIAN RIVER	177	216	255	294	333
STATE FL					
COUNTY LAKE	169	206	244	280	317
STATE FL					
COUNTY OKEECHOBEE	177	216	255	294	333
STATE FL					
COUNTY ST LUCIE	177	216	255	294	333
STATE FL					
SMSA: BRADENTON, FL					
COUNTY MANATEE	224	273	322	371	420
STATE FL					
SMSA: LAKELAND-WINTER HAVEN, FL					
COUNTY POLK	184	225	265	306	346
STATE FL					
SMSA: SARASOTA, FL					
COUNTY SARASOTA	224	273	322	371	420
STATE FL					
SMSA: TAMPA-ST. PETERSBURG, FL					
COUNTY HILLSBOROUGH	189	230	287	359	399
STATE FL					
COUNTY PASCO	189	230	287	359	399
STATE FL					
COUNTY PINELLAS	189	230	287	359	399
STATE FL					
NON SMSA					
COUNTY CITRUS	184	225	265	306	346
STATE FL					
COUNTY DE SOTO	224	273	322	371	420
STATE FL					
COUNTY HARDEE	224	273	322	371	420
STATE FL					
COUNTY HERNANDO	184	225	265	306	346
STATE FL					
COUNTY HIGHLANDS	177	216	255	294	333
STATE FL					
COUNTY SUMTER	169	206	244	280	317
STATE FL					

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

U.S. DEPARTMENT OF HOUSING AND UREAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LOUISVILLE, KENTUCKY AREA OFFICE					
SMSA: CINCINNATI, OH-KY-IN					
COUNTY: BOONE	186	226	265	305	344
STATE: KY					
COUNTY: CAMPBELL	186	226	265	305	344
STATE: KY					
COUNTY: KENTON	186	226	265	305	344
STATE: KY					
SMSA: CLARKSVILLE-HOPKINSVILLE, TN-KY					
COUNTY: CHRISTIAN	167	204	242	278	315
STATE: KY					
SMSA: EVANSVILLE, IN-KY					
COUNTY: HENDERSON	194	216	260	288	321
STATE: KY					
SMSA: HUNTINGTON-ASHLAND, WV-KY-OH					
COUNTY: BOYD	157	191	225	260	295
STATE: KY					
COUNTY: GREENUP	157	191	225	260	295
STATE: KY					
SMSA: LEXINGTON-FAYETTE, KY					
COUNTY: BOURBON	179	218	268	317	368
STATE: KY					
COUNTY: CLARK	179	218	268	317	368
STATE: KY					
COUNTY: FAYETTE	179	218	268	317	368
STATE: KY					
COUNTY: JESSAMINE	179	218	268	317	368
STATE: KY					
SMSA: LEXINGTON-FAYETTE, KY					
COUNTY: SCOTT	179	218	268	317	368
STATE: KY					
COUNTY: WOODFORD	179	218	268	317	368
STATE: KY					
SMSA: LOUISVILLE, KY-IN					
COUNTY: BULLITT	166	202	238	275	311
STATE: KY					
COUNTY: JEFFERSON	166	202	238	275	311
STATE: KY					
COUNTY: OLDHAM	166	202	238	275	311
STATE: KY					
SMSA: OWENSBORO, KY					
COUNTY: DAVIESS	189	229	270	312	353
STATE: KY					
NON SMSA					
COUNTY: ADAIR	150	183	213	243	269
STATE: KY					
COUNTY: ALLEN	150	183	213	243	269
STATE: KY					
COUNTY: ANDERSON	179	218	256	296	335
STATE: KY					
COUNTY: BALLARD	142	172	204	235	267
STATE: KY					
COUNTY: BARREN	150	183	213	243	269
STATE: KY					

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

U.S. DEPARTMENT OF HOUSING AND UREAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LOUISVILLE, KENTUCKY AREA OFFICE					
NON SMSA					
COUNTY BATH STATE KY	179	218	256	296	335
COUNTY BELL STATE KY	150	183	213	243	269
COUNTY BOYLE STATE KY	172	194	235	281	289
COUNTY BRACKEN STATE KY	189	229	270	312	353
COUNTY BREATHITT STATE KY	150	183	213	243	269
COUNTY BRECKINRIDGE STATE KY	183	222	263	304	343
COUNTY BUTLER STATE KY	150	183	213	243	269
COUNTY CALDWELL STATE KY	154	188	222	257	290
COUNTY CALLOWAY STATE KY	142	172	204	235	267
COUNTY CARLISLE STATE KY	142	172	204	235	267
COUNTY CARROLL STATE KY	189	229	270	312	353
COUNTY CARTER STATE KY	172	194	235	281	289
COUNTY CASEY STATE KY	133	160	187	217	238
COUNTY CLAY STATE KY	150	183	213	243	269
COUNTY CLINTON STATE KY	150	183	213	243	269
COUNTY CRITTENDON STATE KY	154	188	222	257	290
COUNTY CUMBERLAND STATE KY	150	183	213	243	269
COUNTY EDMONSON STATE KY	150	183	213	243	269
COUNTY ELLIOTT STATE KY	143	172	207	281	303
COUNTY ESTILL STATE KY	179	218	256	296	335
COUNTY FLEMING STATE KY	189	229	270	312	353
COUNTY FLOYD STATE KY	133	160	187	217	241
COUNTY FRANKLIN STATE KY	179	218	256	296	335
COUNTY FULTON STATE KY	142	172	204	235	267

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LOUISVILLE, KENTUCKY AREA OFFICE					
NON SMSA					
COUNTY: GALLATIN STATE: KY	189	229	270	312	353
COUNTY: GARRARD STATE: KY	133	160	187	217	238
COUNTY: GRANT STATE: KY	189	229	270	312	353
COUNTY: GRAVES STATE: KY	142	172	204	235	267
COUNTY: GRAYSON STATE: KY	183	222	263	304	343
COUNTY: GREEN STATE: KY	150	183	213	243	269
COUNTY: HANCOCK STATE: KY	147	180	222	257	290
COUNTY: HARDIN STATE: KY	183	222	263	304	343
COUNTY: HARLAN STATE: KY	150	183	213	243	269
COUNTY: HARRISON STATE: KY	179	218	269	311	351
COUNTY: HART STATE: KY	183	222	263	304	343
COUNTY: HENRY STATE: KY	183	222	263	304	343
COUNTY: HICKMAN STATE: KY	142	172	204	235	267
COUNTY: HOPKINS STATE: KY	147	180	222	257	290
COUNTY: JACKSON STATE: KY	150	183	213	243	269
COUNTY: JOHNSON STATE: KY	133	160	187	217	241
COUNTY: KNOTT STATE: KY	150	183	213	243	269
COUNTY: KNOX STATE: KY	150	183	213	243	269
COUNTY: LARUE STATE: KY	183	222	263	304	343
COUNTY: LAUREL STATE: KY	150	183	213	243	269
COUNTY: LAWRENCE STATE: KY	143	172	207	281	303
COUNTY: LEE STATE: KY	150	183	213	243	269
COUNTY: LESLIE STATE: KY	150	183	213	243	269
COUNTY: LETCHER STATE: KY	150	183	213	243	269

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LOUISVILLE, KENTUCKY AREA OFFICE					
NON SMSA					
COUNTY: LEWIS STATE: KY	189	229	270	312	353
COUNTY: LINCOLN STATE: KY	133	160	187	217	238
COUNTY: LIVINGSTON STATE: KY	142	172	204	235	267
COUNTY: LOGAN STATE: KY	154	188	222	257	290
COUNTY: LYON STATE: KY	154	188	222	257	290
COUNTY: MCCracken STATE: KY	160	189	223	258	293
COUNTY: MCCREARY STATE: KY	150	183	213	243	269
COUNTY: MCLEAN STATE: KY	147	180	222	257	290
COUNTY: MADISON STATE: KY	179	218	269	311	351
COUNTY: MAGOFFIN STATE: KY	150	183	213	243	269
COUNTY: MARION STATE: KY	183	222	263	304	343
COUNTY: MARSHALL STATE: KY	160	189	223	258	293
COUNTY: MARTIN STATE: KY	133	160	187	217	241
COUNTY: MASON STATE: KY	189	229	270	312	353
COUNTY: MEADE STATE: KY	183	222	263	304	343
COUNTY: MENIFEE STATE: KY	150	183	213	243	269
COUNTY: MERCER STATE: KY	179	218	256	296	335
COUNTY: METCALFE STATE: KY	150	183	213	243	269
COUNTY: MONROE STATE: KY	150	183	213	243	269
COUNTY: MONTGOMERY STATE: KY	179	218	269	311	351
COUNTY: MORGAN STATE: KY	150	183	213	243	269
COUNTY: MUHLENBERG STATE: KY	147	180	222	257	290
COUNTY: NELSON STATE: KY	183	222	263	304	343
COUNTY: NICHOLAS STATE: KY	179	218	256	296	335

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LOUISVILLE, KENTUCKY AREA OFFICE					
NON SMSA					
COUNTY OHIO STATE KY	147	180	212	245	277
COUNTY OWEN STATE KY	189	229	270	312	353
COUNTY OWSLEY STATE KY	150	183	213	243	269
COUNTY PENDLETON STATE KY	189	229	270	312	353
COUNTY PERRY STATE KY	150	183	213	243	269
COUNTY PIKE STATE KY	150	183	213	243	269
COUNTY POWELL STATE KY	150	183	213	253	269
COUNTY PULASKI STATE KY	150	183	213	243	269
COUNTY ROBERTSON STATE KY	189	229	270	312	353
COUNTY ROCKCASTLE STATE KY	150	183	213	243	269
COUNTY ROWAN STATE KY	133	160	187	217	241
COUNTY RUSSELL STATE KY	133	160	187	217	238
COUNTY SHELBY STATE KY	183	222	263	304	343
COUNTY SIMPSON STATE KY	150	183	213	243	269
COUNTY SPENCER STATE KY	183	222	263	304	343
COUNTY TAYLOR STATE KY	150	183	213	243	269
COUNTY TODD STATE KY	167	204	242	278	315
COUNTY TRIGG STATE KY	167	204	242	278	315
COUNTY TRIMBLE STATE KY	183	222	263	304	343
COUNTY UNION STATE KY	147	180	222	257	290
COUNTY WARREN STATE KY	150	183	213	243	269
COUNTY WASHINGTON STATE KY	183	222	263	304	343
COUNTY WAYNE STATE KY	150	183	213	243	269
COUNTY WEBSTER STATE KY	147	180	222	257	290

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LOUISVILLE, KENTUCKY AREA OFFICE					
NON SMSA					
COUNTY: WHITLEY STATE: KY	150	183	213	253	269
COUNTY: WOLFE STATE: KY	133	160	187	217	238
KNOXVILLE, TENNESSEE AREA OFFICE					
SMSA: CHATTANOOGA, TN-GA					
COUNTY: HAMILTON STATE: TN	167	204	242	278	315
COUNTY: MARION STATE: TN	167	204	242	278	315
COUNTY: SEQUATCHIE STATE: TN	167	204	242	278	315
SMSA: JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA					
COUNTY: CARTER STATE: TN	165	201	237	274	310
COUNTY: HAWKINS STATE: TN	165	201	237	274	310
COUNTY: SULLIVAN STATE: TN	165	201	237	274	310
COUNTY: UNICOI STATE: TN	165	201	237	274	310
COUNTY: WASHINGTON STATE: TN	165	201	237	274	310
SMSA: KNOXVILLE, TN					
COUNTY: ANDERSON STATE: TN	167	204	242	316	346
COUNTY: BLOUNT STATE: TN	167	204	242	316	346
COUNTY: KNOX STATE: TN	167	204	242	316	346
COUNTY: UNION STATE: TN	167	204	242	316	346

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KNOXVILLE, TENNESSEE AREA OFFICE					
NON SVSA					
COUNTY: BLEDSCE STATE: TN	143	174	206	237	269
COUNTY: BRADLEY STATE: TN	143	174	206	237	269
COUNTY: CAMPBELL STATE: TN	133	163	192	221	251
COUNTY: CLAIBORNE STATE: TN	133	163	192	221	251
COUNTY: COCKE STATE: TN	133	163	192	221	251
COUNTY: CUMBERLAND STATE: TN	133	163	192	221	251
COUNTY: FENTRESS STATE: TN	133	163	192	221	251
COUNTY: GRAINGER STATE: TN	133	163	192	221	251
COUNTY: GREENE STATE: TN	165	201	237	274	310
COUNTY: GRUNDY STATE: TN	143	174	206	237	269
COUNTY: HAMBLIN STATE: TN	133	163	192	221	251
COUNTY: HANCOCK STATE: TN	165	201	237	274	310
COUNTY: JEFFERSON STATE: TN	133	163	192	221	251
COUNTY: JOHNSON STATE: TN	165	201	237	274	310
COUNTY: LOUDON STATE: TN	133	163	192	221	251
COUNTY: MCMINN STATE: TN	143	174	206	237	269
COUNTY: MEIGS STATE: TN	143	174	206	237	269
COUNTY: MONROE STATE: TN	133	163	192	221	251
COUNTY: MORGAN STATE: TN	133	163	192	221	251
COUNTY: PICKETT STATE: TN	127	154	183	211	238
COUNTY: POLK STATE: TN	143	174	206	237	269
COUNTY: RHEA STATE: TN	143	174	206	237	269
COUNTY: ROANE STATE: TN	133	163	192	221	251
COUNTY: SCOTT STATE: TN	133	163	192	221	251

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KNOXVILLE, TENNESSEE AREA OFFICE					
NON SMSA					
COUNTY SEVIER STATE TN	133	163	192	221	251
SMSA: MEMPHIS, TN-AR-MS					
COUNTY SHELBY STATE TN	172	210	247	284	322
COUNTY TIPTON STATE TN	172	210	247	284	322
NON SMSA					
COUNTY BENTON STATE TN	167	204	242	278	315
COUNTY CARROLL STATE TN	137	168	198	229	258
COUNTY CHESTER STATE TN	137	168	198	229	258
COUNTY CROCKETT STATE TN	137	168	198	229	258
COUNTY DECATUR STATE TN	137	168	198	229	258
COUNTY DYER STATE TN	137	168	198	229	258
COUNTY FAYETTE STATE TN	151	184	218	251	284
COUNTY GIBSON STATE TN	137	168	198	229	258
COUNTY HARDENMAN STATE TN	151	184	218	251	284
COUNTY HARDIN STATE TN	138	169	200	231	262
COUNTY HAYWOOD STATE TN	137	168	198	229	258
COUNTY HENDERSON STATE TN	137	168	198	229	258
COUNTY HENRY STATE TN	137	168	198	229	258
COUNTY LAKE STATE TN	142	172	204	235	267
COUNTY LAUDERDALE STATE TN	137	168	198	229	258
COUNTY MCNAIRY STATE TN	138	169	200	231	262
COUNTY MADISON STATE TN	150	184	217	251	283
COUNTY OBION STATE TN	142	172	204	235	267
COUNTY WEAKLEY STATE TN	137	168	198	229	258
SMSA: CLARKSVILLE-HOPKINSVILLE, TN-KY					
COUNTY MONTGOMERY STATE TN	167	204	242	278	315
SMSA: NASHVILLE-DAVIDSON, TN					
COUNTY CHEATHAM STATE TN	203	246	291	334	379

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KNOXVILLE, TENNESSEE AREA OFFICE SMSA: NASHVILLE-DAVIDSON, TN COUNTY: DAVIDSON STATE: TN	203	246	291	334	379
COUNTY: DICKSON STATE: TN	203	246	291	334	379
COUNTY: ROBERTSON STATE: TN	203	246	291	334	379
COUNTY: RUTHERFORD STATE: TN	203	246	291	334	379
COUNTY: SUMNER STATE: TN	203	246	291	334	379
COUNTY: WILLIAMSON STATE: TN	203	246	291	334	379
COUNTY: WILSON STATE: TN	203	246	291	334	379
NON SMSA					
COUNTY: BEDFORD STATE: TN	143	174	206	237	269
COUNTY: CANNON STATE: TN	127	154	183	211	238
COUNTY: CLAY STATE: TN	127	154	183	211	238
COUNTY: COFFEE STATE: TN	143	174	206	237	269
COUNTY: DE KALB STATE: TN	127	154	183	211	238
COUNTY: FRANKLIN STATE: TN	176	214	253	292	330
COUNTY: GILES STATE: TN	143	174	206	237	269
COUNTY: HICKMAN STATE: TN	143	174	206	237	269
COUNTY: HOUSTON STATE: TN	167	204	242	278	315
COUNTY: HUMPHREYS STATE: TN	167	204	242	278	315
COUNTY: JACKSON STATE: TN	127	154	183	211	238
COUNTY: LAWRENCE STATE: TN	143	174	206	237	269
COUNTY: LEWIS STATE: TN	143	174	206	237	269
COUNTY: LINCOLN STATE: TN	176	214	253	292	330
COUNTY: MACON STATE: TN	127	154	183	211	238
COUNTY: MARSHALL STATE: TN	143	174	206	237	269
COUNTY: MAURY STATE: TN	143	174	206	237	269

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KNOXVILLE, TENNESSEE AREA OFFICE					
NON SMSA					
COUNTY: MOORE STATE: TN	143	174	206	237	269
COUNTY: OVERTON STATE: TN	127	154	183	211	238
COUNTY: PERRY STATE: TN	127	154	183	211	238
COUNTY: PUTNAM STATE: TN	127	154	183	211	238
COUNTY: SMITH STATE: TN	127	154	183	211	238
COUNTY: STEWART STATE: TN	167	204	242	278	315
COUNTY: TROUSDALE STATE: TN	127	154	183	211	238
COUNTY: VAN BUREN STATE: TN	127	154	183	211	238
COUNTY: WARREN STATE: TN	127	154	183	211	238
COUNTY: WAYNE STATE: TN	138	169	200	231	262
COUNTY: WHITE STATE: TN	127	154	183	211	238
REGION 5					
CHICAGO, ILLINOIS AREA OFFICE					
SMSA: CHICAGO, IL					
COUNTY: COOK STATE: IL	256	291	344	400	451
COUNTY: DU PAGE STATE: IL	256	291	344	400	451
COUNTY: KANE STATE: IL	256	291	344	400	451
COUNTY: LAKE STATE: IL	256	291	344	400	451
COUNTY: MCHENRY STATE: IL	256	291	344	400	451
COUNTY: WILL STATE: IL	256	291	344	400	451
SMSA: DAVENPORT-ROCK ISLAND-MOLINE, IA-IL					
COUNTY: ROCK ISLAND STATE: IL	197	241	284	328	371
SMSA: KANKAKEE, ILLINOIS					
COUNTY: KANKAKEE STATE: IL	167	202	240	277	313
SMSA: ROCKFORD, IL					
COUNTY: BOONE STATE: IL	189	238	290	326	378
COUNTY: WINNEBAGO STATE: IL	189	238	290	326	378
NON SMSA					
COUNTY: CARROLL STATE: IL	166	202	240	277	313

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CHICAGO, ILLINOIS AREA OFFICE					
NON SMSA					
COUNTY: DE KALB STATE: IL	189	229	271	313	354
COUNTY: GRUNDY STATE: IL	189	229	271	313	354
COUNTY: JO DAVIESS STATE: IL	150	183	216	250	283
COUNTY: KENDALL STATE: IL	189	229	271	313	354
COUNTY: LEE STATE: IL	172	210	247	286	324
COUNTY: OGLE STATE: IL	172	210	247	286	324
COUNTY: STEPHENSON STATE: IL	172	210	247	286	324
COUNTY: WHITESIDE STATE: IL	166	202	240	277	313
SMSA: BLOOMINGTON-NORMAL, IL					
COUNTY: MCLEAN STATE: IL	172	210	247	286	324
SMSA: CHAMPAIGN-URBANA-RANTOUL, IL					
COUNTY: CHAMPAIGN STATE: IL	191	232	274	316	358
SMSA: DAVENPORT-ROCK ISLAND-MOLINE, IA-IL					
COUNTY: HENRY STATE: IL	197	241	284	328	371
SMSA: DECATUR, IL					
COUNTY: MACON STATE: IL	180	219	259	299	339
SMSA: PEORIA, IL					
COUNTY: PEORIA STATE: IL	197	241	284	328	371
COUNTY: TAZEWELL STATE: IL	197	241	284	328	371
COUNTY: WOODFORD STATE: IL	197	241	284	328	371
SMSA: ST LOUIS, MO-IL					
COUNTY: CLINTON STATE: IL	193	235	276	319	364
COUNTY: MADISON STATE: IL	193	235	276	319	364
COUNTY: MONROE STATE: IL	193	235	276	319	364
COUNTY: ST CLAIR STATE: IL	193	235	276	319	364
SMSA: SPRINGFIELD, IL					
COUNTY: MENARD STATE: IL	180	219	259	299	339
COUNTY: SANGAMON STATE: IL	180	219	259	299	339
NON SMSA					
COUNTY: ADAMS STATE: IL	151	184	217	252	285

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CHICAGO, ILLINOIS AREA OFFICE					
NON SMSA					
COUNTY: ALEXANDER STATE: IL	123	151	178	206	233
COUNTY: BOND STATE: IL	137	168	198	228	259
COUNTY: BROWN STATE: IL	151	184	217	252	285
COUNTY: BUREAU STATE: IL	166	202	240	277	313
COUNTY: CALHOUN STATE: IL	137	168	198	228	259
COUNTY: CASS STATE: IL	180	219	259	299	339
COUNTY: CHRISTIAN STATE: IL	180	219	259	299	339
COUNTY: CLARK STATE: IL	172	210	247	286	324
COUNTY: CLAY STATE: IL	137	168	198	228	259
COUNTY: COLES STATE: IL	191	232	274	316	358
COUNTY: CRANFORD STATE: IL	172	210	247	286	324
COUNTY: CUMBERLAND STATE: IL	191	232	274	316	358
NON SMSA					
COUNTY: DE WITT STATE: IL	180	219	259	299	339
COUNTY: DOUGLAS STATE: IL	191	232	274	316	358
COUNTY: EDGAR STATE: IL	191	232	274	316	358
COUNTY: EDWARDS STATE: IL	126	155	183	211	240
COUNTY: EFFINGHAM STATE: IL	137	168	198	228	259
COUNTY: FAYETTE STATE: IL	137	168	198	228	259
COUNTY: FORD STATE: IL	191	232	274	316	358
COUNTY: FRANKLIN STATE: IL	144	174	207	238	270
COUNTY: FULTON STATE: IL	172	210	247	286	324
COUNTY: GALLATIN STATE: IL	126	155	183	211	240
COUNTY: GREENE STATE: IL	137	168	198	228	259
COUNTY: HAMILTON STATE: IL	126	155	183	211	240

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CHICAGO, ILLINOIS AREA OFFICE					
NON SMSA					
COUNTY HANCOCK STATE: IL	151	184	217	252	285
COUNTY HARDIN STATE: IL	123	151	178	206	233
COUNTY HENDERSON STATE: IL	151	184	217	252	285
COUNTY IROQUOIS STATE: IL	166	202	240	277	313
COUNTY JACKSON STATE: IL	167	216	275	315	380
COUNTY JASPER STATE: IL	137	168	198	228	259
COUNTY JEFFERSON STATE: IL	144	174	207	238	270
COUNTY JERSEY STATE: IL	137	168	198	228	259
COUNTY JOHNSON STATE: IL	123	151	178	206	233
COUNTY KNOX STATE: IL	172	210	247	286	324
COUNTY LA SALLE STATE: IL	189	229	271	313	354
COUNTY LAWRENCE STATE: IL	126	155	183	211	240
NON SMSA					
COUNTY LIVINGSTON STATE: IL	189	229	271	313	354
COUNTY LOGAN STATE: IL	180	219	259	299	339
COUNTY MCDONOUGH STATE: IL	172	210	247	286	324
COUNTY MACOUPIN STATE: IL	137	168	198	228	259
COUNTY MARION STATE: IL	137	168	198	228	259
COUNTY MARSHALL STATE: IL	172	210	247	286	324
COUNTY MASON STATE: IL	180	219	259	299	339
COUNTY MASSAC STATE: IL	123	151	178	206	233
COUNTY MERCER STATE: IL	166	202	240	277	313
COUNTY MONTGOMERY STATE: IL	137	168	198	228	259
COUNTY MORGAN STATE: IL	180	219	259	299	339
COUNTY MOULTRIE STATE: IL	180	219	259	299	339

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CHICAGO, ILLINOIS AREA OFFICE					
NON SMSA					
COUNTY: PERRY STATE: IL	144	174	207	238	270
COUNTY: PIATT STATE: IL	191	232	274	316	358
COUNTY: PIKE STATE: IL	151	184	217	252	285
COUNTY: POPE STATE: IL	123	151	178	206	233
COUNTY: PULASKI STATE: IL	123	151	178	206	233
COUNTY: PUTNAM STATE: IL	189	229	271	313	354
COUNTY: RANDOLPH STATE: IL	144	174	207	238	270
COUNTY: RICHLAND STATE: IL	137	168	198	228	259
COUNTY: SALINE STATE: IL	126	155	183	211	240
COUNTY: SCHUYLER STATE: IL	151	184	217	252	285
COUNTY: SCOTT STATE: IL	180	219	259	299	339
COUNTY: SHELBY STATE: IL	180	219	259	299	339
NON SMSA					
COUNTY: STARK STATE: IL	172	210	247	286	324
COUNTY: UNION STATE: IL	123	151	178	206	233
COUNTY: VERMILION STATE: IL	191	232	274	316	358
COUNTY: WABASH STATE: IL	126	155	183	211	240
COUNTY: WARREN STATE: IL	172	210	247	286	324
COUNTY: WASHINGTON STATE: IL	144	174	207	238	270
COUNTY: WAYNE STATE: IL	137	168	198	228	259
COUNTY: WHITE STATE: IL	126	155	183	211	240
COUNTY: WILLIAMSON STATE: IL	144	174	207	238	270

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COLUMBUS, OHIO AREA OFFICE					
SMSA: CINCINNATI, OH-KY-IN					
COUNTY: CLERMONT	186	226	265	305	344
STATE: OH					
COUNTY: HAMILTON	186	226	265	305	344
STATE: OH					
COUNTY: WARREN	186	226	265	305	344
STATE: OH					
SMSA: DAYTON, OH					
COUNTY: GREENE	189	229	271	313	354
STATE: OH					
COUNTY: MONTGOMERY	189	229	271	313	354
STATE: OH					
COUNTY: PREBLE	189	229	271	313	354
STATE: OH					
SMSA: HAMILTON-MIDDLETOWN, OH					
COUNTY: BUTLER	164	200	236	272	309
STATE: OH					
NON SMSA					
COUNTY: ADAMS	164	200	236	272	309
STATE: OH					
COUNTY: BROWN	164	200	236	272	309
STATE: OH					
COUNTY: CLINTON	164	200	236	272	309
STATE: OH					
COUNTY: HIGHLAND	164	200	236	272	309
STATE: OH					
SMSA: AKRON, OH					
COUNTY: PORTAGE	195	238	281	324	366
STATE: OH					
COUNTY: SUMMIT	195	238	281	324	366
STATE: OH					
SMSA: CANTON, OH					
COUNTY: CARROLL	175	212	250	287	325
STATE: OH					
COUNTY: STARK	175	212	250	287	325
STATE: OH					
SMSA: CLEVELAND, OH					
COUNTY: CUYAHOGA	185	225	266	308	348
STATE: OH					
COUNTY: GEauga	185	225	266	308	348
STATE: OH					
COUNTY: LAKE	185	225	266	308	348
STATE: OH					
COUNTY: MEDINA	185	225	266	308	348
STATE: OH					
SMSA: LIMA, OH					
COUNTY: PUTNAM	180	209	252	290	321
STATE: OH					
SMSA: LORAIN-ELYRIA, OH					
COUNTY: LORAIN	190	231	273	314	356
STATE: OH					
SMSA: MANSFIELD, OH					
COUNTY: RICHLAND	165	205	240	275	310
STATE: OH					

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COLUMBUS, OHIO AREA OFFICE					
SMSA: STEUBENVILLE-WEIRTON, OH-WV					
COUNTY: JEFFERSON	152	185	219	253	286
STATE: OH					
SMSA: TOLEDO, OH-WI					
COUNTY: FULTON	174	211	249	287	326
STATE: OH					
COUNTY: LUCAS	174	211	249	287	326
STATE: OH					
COUNTY: OTTAWA	174	211	249	287	326
STATE: OH					
COUNTY: WOOD	174	211	249	287	326
STATE: OH					
SMSA: YOUNGSTOWN-WARREN, OH					
COUNTY: MAHONING	166	202	240	277	313
STATE: OH					
COUNTY: TRUMBULL	166	202	240	277	313
STATE: OH					
NON SMSA					
COUNTY: ASHLAND	157	192	226	262	296
STATE: OH					
COUNTY: ASHTABULA	157	192	226	262	296
STATE: OH					
COUNTY: COLUMBIANA	138	169	199	230	261
STATE: OH					
COUNTY: CRAWFORD	160	195	229	265	300
STATE: OH					
COUNTY: DEFIANCE	150	183	216	250	283
STATE: OH					
COUNTY: ERIE	157	192	226	262	296
STATE: OH					
COUNTY: HANCOCK	157	192	226	262	296
STATE: OH					
COUNTY: HARRISON	122	149	177	204	231
STATE: OH					
COUNTY: HENRY	157	192	226	262	296
STATE: OH					
COUNTY: HOLMES	138	169	199	230	261
STATE: OH					
COUNTY: HURON	157	192	226	262	296
STATE: OH					
COUNTY: PAULDING	150	183	216	250	283
STATE: OH					
COUNTY: SANDUSKY	157	192	226	262	296
STATE: OH					
COUNTY: SENECA	157	192	226	262	296
STATE: OH					
COUNTY: TUSCARAWAS	138	169	199	230	261
STATE: OH					
COUNTY: WAYNE	157	192	226	262	296
STATE: OH					

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION	5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COLUMBUS, OHIO AREA OFFICE						
NON SMSA						
	COUNTY: WILLIAMS STATE: OH	150	183	216	250	283
	COUNTY: WYANDOT STATE: OH	160	195	229	265	300
SMSA: COLUMBUS, OH						
	COUNTY: DELAWARE STATE: OH	185	225	266	307	346
	COUNTY: FAIRFIELD STATE: OH	185	225	266	307	346
	COUNTY: FRANKLIN STATE: OH	185	225	266	307	346
	COUNTY: MADISON STATE: OH	185	225	266	307	346
	COUNTY: PICKAWAY STATE: OH	185	225	266	307	346
SMSA: DAYTON, OH						
	COUNTY: MIAMI STATE: OH	189	229	271	313	354
SMSA: HUNTINGTON-ASHLAND, WV-KY-OH						
	COUNTY: LAWRENCE STATE: OH	157	191	225	260	295
SMSA: LIMA, OH						
	COUNTY: ALLEN STATE: OH	180	209	252	290	321
	COUNTY: AUGLAIZE STATE: OH	180	209	252	290	321
	COUNTY: VAN WERT STATE: OH	180	209	252	290	321
SMSA: PARKERSBURG-MARIETTA, WV-OH						
	COUNTY: WASHINGTON STATE: OH	172	210	247	285	322
SMSA: SPRINGFIELD, OH						
	COUNTY: CHAMPAIGN STATE: OH	155	188	220	255	288
	COUNTY: CLARK STATE: OH	155	188	220	255	288
SMSA: WHEELING, WV-OH						
	COUNTY: BELMONT STATE: OH	162	186	227	267	294
NON SMSA						
	COUNTY: ATHENS STATE: OH	159	205	260	294	332
	COUNTY: COSHOCTON STATE: OH	154	189	223	256	290
	COUNTY: DARKE STATE: OH	147	179	211	244	276
	COUNTY: FAYETTE STATE: OH	133	161	192	221	251
	COUNTY: GALLIA STATE: OH	117	135	166	184	209
	COUNTY: GUERNSEY STATE: OH	165	198	237	271	306

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COLUMBUS, OHIO AREA OFFICE					
NON SMSA					
COUNTY: HARDIN STATE: OH	150	183	216	250	283
COUNTY: HOCKING STATE: OH	150	183	216	250	283
COUNTY: JACKSON STATE: OH	133	161	192	221	251
COUNTY: KNOX STATE: OH	160	195	229	265	300
COUNTY: LICKING STATE: OH	157	192	226	262	296
COUNTY: LOGAN STATE: OH	147	179	211	244	276
COUNTY: MARION STATE: OH	133	161	192	221	251
COUNTY: MEIGS STATE: OH	110	135	159	184	209
COUNTY: MERCER STATE: OH	150	183	216	250	283
COUNTY: MONROE STATE: OH	122	149	177	204	231
COUNTY: MORGAN STATE: OH	150	183	216	250	283
COUNTY: MORRISON STATE: OH	160	195	229	265	300
NON SMSA					
COUNTY: MUSKINGUM STATE: OH	158	192	225	260	294
COUNTY: NOBLE STATE: OH	150	183	216	250	283
COUNTY: PERRY STATE: OH	146	178	210	242	274
COUNTY: PIKE STATE: OH	153	179	217	242	269
COUNTY: ROSS STATE: OH	133	161	192	221	251
COUNTY: SCIOTO STATE: OH	152	177	215	239	265
COUNTY: SHELBY STATE: OH	157	184	223	262	286
COUNTY: UNION STATE: OH	133	161	192	221	251
COUNTY: VINTON STATE: OH	133	161	192	221	251

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DETROIT, MICHIGAN AREA OFFICE					
SMSA: ANN ARBOR, MI					
COUNTY: WASHTENAW	243	296	349	402	455
STATE: MI					
SMSA: DETROIT, MI					
COUNTY: LIVINGSTON	224	273	322	371	419
STATE: MI					
COUNTY: MACOMB	224	273	322	371	419
STATE: MI					
COUNTY: OAKLAND	224	273	322	371	419
STATE: MI					
COUNTY: ST. CLAIR	224	273	322	371	419
STATE: MI					
COUNTY: WAYNE	224	273	322	371	419
STATE: MI					
SMSA: TOLEDO, OH-MI					
COUNTY: MONROE	174	211	249	287	326
STATE: MI					
NON SMSA					
COUNTY: LENAWEE	174	211	249	287	326
STATE: MI					
SMSA: BAY CITY, MI					
COUNTY: BAY	191	232	274	316	358
STATE: MI					
SMSA: DETROIT, MI					
COUNTY: LAPEER	224	273	322	371	419
STATE: MI					
SMSA: FLINT, MI					
COUNTY: GENESEE	200	244	287	331	375
STATE: MI					
COUNTY: SHIAWASSEE	200	244	287	331	375
STATE: MI					
SMSA: SAGINAW, MI					
COUNTY: SAGINAW	191	232	274	316	358
STATE: MI					
NON SMSA					
COUNTY: ALCONA	172	210	247	286	324
STATE: MI					
COUNTY: ALPENA	172	210	247	286	324
STATE: MI					
COUNTY: ARENAC	172	210	247	286	324
STATE: MI					
COUNTY: GLADWIN	172	210	247	286	324
STATE: MI					
COUNTY: HURON	172	210	247	286	324
STATE: MI					
COUNTY: IOSCO	172	210	247	286	324
STATE: MI					
COUNTY: MIDLAND	191	232	274	316	358
STATE: MI					
COUNTY: MONTMCCRENCY	172	210	247	286	324
STATE: MI					
COUNTY: OGEMA	172	210	263	286	324
STATE: MI					
COUNTY: OSCODA	172	210	247	286	324
STATE: MI					

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DETROIT, MICHIGAN AREA OFFICE					
NON SMSA					
COUNTY: PRESQUE ISLE STATE: MI	172	210	247	286	324
COUNTY: SANILAC STATE: MI	172	210	247	286	324
COUNTY: TUSCOLA STATE: MI	172	210	247	286	324
SMSA: BATTLE CREEK, MI					
COUNTY: BARRY STATE: MI	171	209	246	284	321
COUNTY: CALHOUN STATE: MI	171	209	246	284	321
SMSA: GRAND RAPIDS, MI					
COUNTY: KENT STATE: MI	168	205	242	279	316
COUNTY: OTTAWA STATE: MI	168	205	242	279	316
SMSA: JACKSON, MI					
COUNTY: JACKSON STATE: MI	171	209	246	284	321
SMSA: KALAMAZOO-PORTAGE, MI					
COUNTY: KALAMAZOO STATE: MI	205	249	295	339	384
COUNTY: VAN BUREN STATE: MI	205	249	295	339	384
SMSA: LANSING-EAST LANSING, MI					
COUNTY: CLINTON STATE: MI	218	264	313	360	407
COUNTY: EATON STATE: MI	218	264	313	360	407
COUNTY: INGHAM STATE: MI	218	264	313	360	407
COUNTY: IONIA STATE: MI	218	264	313	360	407
SMSA: MUSKEGON-NORTON SHORES-MUSKEGON HEIGHTS, MI					
COUNTY: MUSKEGON STATE: MI	152	186	219	253	287
COUNTY: OCEANA STATE: MI	152	186	219	253	287
NON SMSA					
COUNTY: ALGER STATE: MI	152	186	219	253	287
COUNTY: ALLEGAN STATE: MI	152	186	219	253	287
COUNTY: ANTRIN STATE: MI	152	186	219	253	287
COUNTY: BARAGA STATE: MI	152	186	219	253	287
COUNTY: BENZIE STATE: MI	152	186	219	253	287
COUNTY: BERRIEN STATE: MI	175	213	251	289	328
COUNTY: BRANCH STATE: MI	171	209	246	284	321

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DETROIT, MICHIGAN AREA OFFICE					
NON SRS					
COUNTY: CASS STATE: MI	175	213	251	289	328
COUNTY: CHARLEVOIX STATE: MI	152	186	219	253	287
COUNTY: CHEBOYGAN STATE: MI	172	210	247	286	324
COUNTY: CHIPPEWA STATE: MI	172	210	263	286	324
COUNTY: CLARE STATE: MI	172	210	263	286	324
COUNTY: CRAWFORD STATE: MI	172	210	263	286	324
COUNTY: DELTA STATE: MI	167	197	254	279	315
COUNTY: DICKINSON STATE: MI	167	197	254	279	315
COUNTY: EMMET STATE: MI	152	186	219	253	287
COUNTY: GOGEBIC STATE: MI	172	212	236	265	299
COUNTY: GRD TRAVERSE STATE: MI	209	241	273	317	392
COUNTY: GRATIC STATE: MI	172	210	247	286	324
COUNTY: HILLSCALE STATE: MI	171	209	246	284	321
COUNTY: HOUGHTON STATE: MI	167	197	254	279	315
COUNTY: IRON STATE: MI	167	197	254	279	315
COUNTY: ISABELLA STATE: MI	172	210	247	286	324
COUNTY: KALKASKA STATE: MI	152	186	219	253	287
COUNTY: KEWEENAW STATE: MI	152	186	219	253	287
COUNTY: LAKE STATE: MI	167	197	254	279	315
COUNTY: LEELANAU STATE: MI	152	186	219	253	287
COUNTY: LUCE STATE: MI	172	210	247	286	324
COUNTY: MACKINAC STATE: MI	172	210	263	286	324
COUNTY: MANISTEE STATE: MI	167	197	254	279	315
COUNTY: MARQUETTE STATE: MI	167	197	254	279	315

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DETROIT, MICHIGAN AREA OFFICE					
NON SMSA					
COUNTY: MASON STATE: MI	167	197	254	279	315
COUNTY: MECOSTA STATE: MI	152	186	219	253	287
COUNTY: BENOMINEE STATE: MI	152	186	219	253	287
COUNTY: MISSALKEE STATE: MI	167	197	254	279	315
COUNTY: MONTCALM STATE: MI	152	186	219	253	287
COUNTY: NEWAYGO STATE: MI	152	186	219	253	287
COUNTY: ONTONAGON STATE: MI	172	212	236	265	299
COUNTY: OSCEOLA STATE: MI	167	197	254	279	315
COUNTY: OTSEWC STATE: MI	172	210	263	286	324
COUNTY: ROSCOMMON STATE: MI	172	210	263	286	324
COUNTY: ST JOSEPH STATE: MI	175	213	251	289	328
COUNTY: SCHOOLCRAFT STATE: MI	152	186	219	253	287
COUNTY: WEXFORD STATE: MI	167	197	254	279	315

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
INDIANAPOLIS, INDIANA AREA OFFICE					
SMSA: ANDERSON, IN COUNTY: MADISON STATE: IN	165	201	238	274	311
SMSA: BLOOMINGTON, IN COUNTY: MONROE STATE: IN	179	218	258	297	336
SMSA: CINCINNATI, OH-KY-IN COUNTY: DEARBORN STATE: IN	186	226	265	305	344
SMSA: ELKHART, IN COUNTY: ELKHART STATE: IN	182	221	260	299	339
SMSA: EVANSVILLE, IN-KY COUNTY: GIBSON STATE: IN	194	216	260	288	321
COUNTY: POSEY STATE: IN	194	216	260	288	321
COUNTY: VANDERBURGH STATE: IN	194	216	260	288	321
COUNTY: WARRICK STATE: IN	194	216	260	288	321
SMSA: FORT WAYNE, IN COUNTY: ADAMS STATE: IN	193	235	277	321	362
COUNTY: ALLEN STATE: IN	193	235	277	321	362
COUNTY: DE KALB STATE: IN	193	235	277	321	362
COUNTY: WELLS STATE: IN	193	235	277	321	362
SMSA: GARY-HAMMOND-EAST CHICAGO, IN COUNTY: LAKE STATE: IN	178	217	256	296	335
COUNTY: PORTER STATE: IN	178	217	256	296	335
SMSA: INDIANAPOLIS, IN COUNTY: BOONE STATE: IN	184	224	264	305	345
COUNTY: HAMILTON STATE: IN	184	224	264	305	345
COUNTY: HANCOCK STATE: IN	184	224	264	305	345
COUNTY: HENDRICKS STATE: IN	184	224	264	305	345
COUNTY: JOHNSON STATE: IN	184	224	264	305	345
COUNTY: MARION STATE: IN	184	224	264	305	345
COUNTY: MORGAN STATE: IN	184	224	264	305	345
COUNTY: SHELBY STATE: IN	184	224	264	305	345
SMSA: KOKOMO, IN COUNTY: HOWARD STATE: IN	179	218	258	297	336

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
INDIANAPOLIS, INDIANA AREA OFFICE					
SMSA: KOKOMO, IN COUNTY: TIPTON STATE: IN	179	218	258	297	336
SMSA: LAFAYETTE-WEST LAFAYETTE, IN COUNTY: TIPPECANOE STATE: IN	189	229	271	313	354
SMSA: LOUISVILLE, KY-IN COUNTY: CLARK STATE: IN	166	202	238	275	311
COUNTY: FLOYD STATE: IN	166	202	238	275	311
SMSA: MUNCIE, IN COUNTY: DELAWARE STATE: IN	165	201	238	274	311
SMSA: SOUTH BEND, IN COUNTY: MARSHALL STATE: IN	189	229	271	313	354
COUNTY: ST. JOSEPH STATE: IN	189	229	271	313	354
SMSA: TERRE HAUTE, IN COUNTY: CLAY STATE: IN	172	210	247	286	324
COUNTY: SULLIVAN STATE: IN	172	210	247	286	324
COUNTY: VERMILLION STATE: IN	172	210	247	286	324
COUNTY: VIGO STATE: IN	172	210	247	286	324
NON SMSA					
COUNTY: BARTHOLOMEW STATE: IN	179	218	258	297	336
COUNTY: BENTON STATE: IN	189	229	271	313	354
COUNTY: BLACKFORD STATE: IN	165	201	238	274	311
COUNTY: BROWN STATE: IN	179	218	258	297	336
COUNTY: CARROLL STATE: IN	189	229	271	313	354
COUNTY: CASS STATE: IN	179	218	258	297	336
COUNTY: CLINTON STATE: IN	189	229	271	313	354
COUNTY: CRAWFORD STATE: IN	159	193	228	263	298
COUNTY: DAVIESS STATE: IN	194	216	260	288	321
COUNTY: DECATUR STATE: IN	179	218	258	297	336
COUNTY: DUBOIS STATE: IN	194	216	260	288	321
COUNTY: FAYETTE STATE: IN	164	200	236	272	309

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
INDIANAPOLIS, INDIANA AREA OFFICE					
NON SMSA					
COUNTY: FOUNTAIN STATE: IN	189	229	271	313	354
COUNTY: FRANKLIN STATE: IN	164	200	236	272	309
COUNTY: FULTON STATE: IN	175	213	251	289	328
COUNTY: GRANT STATE: IN	165	201	238	274	311
COUNTY: GREENE STATE: IN	172	210	247	286	324
COUNTY: HARRISON STATE: IN	159	193	228	263	298
COUNTY: HENRY STATE: IN	165	201	238	274	311
COUNTY: HUNTINGTON STATE: IN	150	183	216	250	283
COUNTY: JACKSON STATE: IN	179	218	258	297	336
COUNTY: JASPER STATE: IN	166	202	240	277	313
COUNTY: JAY STATE: IN	165	201	238	274	311
COUNTY: JEFFERSON STATE: IN	159	193	228	263	298
COUNTY: JENNINGS STATE: IN	179	218	258	297	336
COUNTY: KNOX STATE: IN	143	160	192	211	240
COUNTY: KOSCIUSKO STATE: IN	175	213	251	289	328
COUNTY: LAGRANGE STATE: IN	175	213	251	289	328
COUNTY: LA PORTE STATE: IN	166	202	240	277	313
COUNTY: LAWRENCE STATE: IN	179	218	258	297	336
COUNTY: MARTIN STATE: IN	194	216	260	288	321
COUNTY: MIAMI STATE: IN	179	218	258	297	336
COUNTY: MONTGOMERY STATE: IN	189	229	271	313	354
COUNTY: NEWTON STATE: IN	166	202	240	277	313
COUNTY: NOBLE STATE: IN	150	183	216	250	283
COUNTY: OHIO STATE: IN	164	200	236	272	309

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
INDIANAPOLIS, INDIANA AREA OFFICE					
NON SMSA					
COUNTY ORANGE STATE IN	159	193	228	263	298
COUNTY OWEN STATE IN	179	218	258	297	336
COUNTY PARKE STATE IN	172	210	247	286	324
COUNTY PERRY STATE IN	194	216	260	288	321
COUNTY PIKE STATE IN	194	216	260	288	321
COUNTY PULASKI STATE IN	166	202	240	277	313
COUNTY PUTNAM STATE IN	179	218	258	297	336
COUNTY RANDOLPH STATE IN	165	201	238	274	311
COUNTY RIPLEY STATE IN	164	200	236	272	309
COUNTY RUSH STATE IN	179	218	258	297	336
COUNTY SCOTT STATE IN	159	193	228	263	298
COUNTY SPENCER STATE IN	194	216	260	288	321
COUNTY STARKE STATE IN	166	202	240	277	313
COUNTY STEUBEN STATE IN	150	183	216	250	283
COUNTY SWITZERLAND STATE IN	164	200	236	272	309
COUNTY UNION STATE IN	164	200	236	272	309
COUNTY WABASH STATE IN	150	183	216	250	283
COUNTY WARREN STATE IN	189	229	271	313	354
COUNTY WASHINGTON STATE IN	159	193	228	263	298
COUNTY WAYNE STATE IN	165	201	238	274	311
COUNTY WHITE STATE IN	189	229	271	313	354
COUNTY WHITLEY STATE IN	150	183	216	250	283

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION	5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MILWAUKEE, WISCONSIN AREA OFFICE						
SMSA: APPLETON-OSHKOSH, WI						
COUNTY: CALUMET		181	222	261	301	341
STATE: WI						
COUNTY: OUTAGAMIE		181	222	261	301	341
STATE: WI						
COUNTY: WINNEBAGO		181	222	261	301	341
STATE: WI						
SMSA: DULUTH-SUPERIOR, MN-WI						
COUNTY: DOUGLAS		200	230	279	310	343
STATE: WI						
SMSA: EAU CLAIRE, WI						
COUNTY: CHIPPEWA		138	169	199	230	261
STATE: WI						
COUNTY: EAU CLAIRE		138	169	199	230	261
STATE: WI						
SMSA: GREEN BAY, WI						
COUNTY: BROWN		165	201	238	274	311
STATE: WI						
SMSA: JANESVILLE-BELOIT, WI						
COUNTY: ROCK		172	210	247	286	324
STATE: WI						
SMSA: KENOSHA, WI						
COUNTY: KENOSHA		190	231	273	314	356
STATE: WI						
SMSA: LA CROSSE, WI						
COUNTY: LA CROSSE		151	184	217	252	285
STATE: WI						
SMSA: MADISON, WI						
COUNTY: DANE		197	240	283	326	369
STATE: WI						
SMSA: MILWAUKEE, WI						
COUNTY: MILWAUKEE		211	256	303	350	396
STATE: WI						
COUNTY: OZAUKEE		211	256	303	350	396
STATE: WI						
COUNTY: WASHINGTON		211	256	303	350	396
STATE: WI						
COUNTY: WAUKESHA		211	256	303	350	396
STATE: WI						
SMSA: MINNEAPOLIS-ST PAUL, MN-WI						
COUNTY: ST CROIX		232	281	330	380	428
STATE: WI						
SMSA: RACINE, WI						
COUNTY: RACINE		190	231	273	314	356
STATE: WI						
NON SMSA						
COUNTY: ADAMS		160	195	229	265	300
STATE: WI						
COUNTY: ASHLAND		138	169	199	230	261
STATE: WI						
COUNTY: BARRON		138	169	199	230	261
STATE: WI						
COUNTY: BAYFIELD		138	169	199	230	261
STATE: WI						

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MILWAUKEE, WISCONSIN AREA OFFICE NON SMSA					
COUNTY: BUFFALO STATE: WI	151	184	217	252	285
COUNTY: BURNETT STATE: WI	161	196	231	267	302
COUNTY: CLARK STATE: WI	168	205	243	280	317
COUNTY: COLUMBIA STATE: WI	160	195	229	265	300
COUNTY: CRAWFORD STATE: WI	150	183	216	250	283
COUNTY: DODGE STATE: WI	160	195	229	265	300
COUNTY: DOOR STATE: WI	165	201	238	274	311
COUNTY: DUNN STATE: WI	138	169	199	230	261
COUNTY: FLORENCE STATE: WI	152	186	219	253	287
COUNTY: FOND DU LAC STATE: WI	160	195	229	265	300
COUNTY: FOREST STATE: WI	152	186	219	253	287
COUNTY: GRANT STATE: WI	150	183	216	250	283
COUNTY: GREEN STATE: WI	172	210	247	286	324
COUNTY: GREEN LAKE STATE: WI	160	195	229	265	300
COUNTY: IOWA STATE: WI	160	195	229	265	300
COUNTY: IRON STATE: WI	138	169	199	230	261
COUNTY: JACKSON STATE: WI	151	184	217	252	285
COUNTY: JEFFERSON STATE: WI	160	195	229	265	300
COUNTY: JUNEAU STATE: WI	151	184	217	252	285
COUNTY: KEWAUNEE STATE: WI	165	201	238	274	311
COUNTY: LAFAYETTE STATE: WI	150	183	216	250	283
COUNTY: LANGLADE STATE: WI	168	205	243	280	317
COUNTY: LINCOLN STATE: WI	168	205	243	280	317
COUNTY: MANITOWOC STATE: WI	165	201	238	274	311

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MILWAUKEE, WISCONSIN AREA OFFICE NON SMSA					
COUNTY MARATHON STATE: WI	168	205	243	280	317
COUNTY MARINETTE STATE: WI	152	186	219	253	287
COUNTY MARQUETTE STATE: WI	160	195	229	265	300
COUNTY MENOMINEE STATE: WI	152	186	219	253	287
COUNTY MONROE STATE: WI	151	184	217	252	285
COUNTY OCONTO STATE: WI	152	186	219	253	287
COUNTY ONEIDA STATE: WI	168	205	243	280	317
COUNTY PEPIN STATE: WI	138	169	199	230	261
COUNTY PIERCE STATE: WI	161	196	231	267	302
COUNTY POLK STATE: WI	161	196	231	267	302
COUNTY PORTAGE STATE: WI	168	205	243	280	317
COUNTY PRICE STATE: WI	168	205	243	280	317
COUNTY RICHLAND STATE: WI	160	195	229	265	300
COUNTY RUSK STATE: WI	138	169	199	230	261
COUNTY SAUK STATE: WI	160	195	229	265	300
COUNTY SAWYER STATE: WI	138	169	199	230	261
COUNTY SHAWANO STATE: WI	152	186	219	253	287
COUNTY SHEBOYGAN STATE: WI	160	195	229	265	300
COUNTY TAYLOR STATE: WI	168	205	243	280	317
COUNTY TREMPLEAU STATE: WI	151	184	217	252	285
COUNTY VERNON STATE: WI	151	184	217	252	285
COUNTY VILAS STATE: WI	168	205	243	280	317
COUNTY WALWORTH STATE: WI	160	195	229	265	300
COUNTY WASHBURN STATE: WI	138	169	199	230	261

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MILWAUKEE, WISCONSIN AREA OFFICE					
NON SMSA					
COUNTY WAUPACA STATE WI	152	186	219	253	287
COUNTY WAUSHARA STATE WI	160	195	229	265	300
COUNTY WOOD STATE WI	168	205	243	280	317
MINNEAPOLIS ST. PAUL, MINNESOTA AREA OFFICE					
SMSA: DULUTH-SUPERIOR, MN-WI					
COUNTY ST. LOUIS STATE MN	200	230	279	310	343
SMSA: FARCO-MOORHEAD, ND-MN					
COUNTY CLAY STATE MN	189	216	262	326	348
SMSA: GRAND FORKS, N.D.-MN					
COUNTY POLK STATE MN	189	227	271	315	343
SMSA: MINNEAPOLIS-ST. PAUL, MN-WI					
COUNTY ANOKA STATE MN	232	281	330	380	428
COUNTY CARVER STATE MN	232	281	330	380	428
COUNTY CHISAGO STATE MN	232	281	330	380	428
COUNTY DAKOTA STATE MN	232	281	330	380	428
COUNTY HENNEPIN STATE MN	232	281	330	380	428
COUNTY RAMSEY STATE MN	232	281	330	380	428
COUNTY SCOTT STATE MN	232	281	330	380	428
COUNTY WASHINGTON STATE MN	232	281	330	380	428

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MINNEAPOLIS-ST. PAUL, MINNESOTA AREA OFFICE					
SMSA: MINNEAPOLIS-ST. PAUL, MN-WI					
COUNTY: WRIGHT	232	281	330	380	428
STATE: MN					
SMSA: ROCHESTER, MN					
COUNTY: OLMSTED	210	255	300	345	410
STATE: MN					
SMSA: ST. CLOUD, MN					
COUNTY: BENTON	201	245	289	333	377
STATE: MN					
COUNTY: SHERBURNE	201	245	289	333	377
STATE: MN					
COUNTY: STEARNS	201	245	289	333	377
STATE: MN					
NON SMSA					
COUNTY: AITKIN	155	188	222	255	290
STATE: MN					
COUNTY: BECKER	161	196	231	267	302
STATE: MN					
COUNTY: BELTRAMI	155	188	222	255	290
STATE: MN					
COUNTY: BIG STONE	155	188	222	255	290
STATE: MN					
COUNTY: BLUE EARTH	201	245	289	333	377
STATE: MN					
COUNTY: BROWN	182	223	262	302	343
STATE: MN					
COUNTY: CARLTON	182	223	262	302	343
STATE: MN					
COUNTY: CASS	155	188	222	255	290
STATE: MN					
COUNTY: CHIPPEWA	155	188	222	255	290
STATE: MN					
COUNTY: CLEARWATER	161	196	231	267	302
STATE: MN					
COUNTY: COOK	150	183	216	249	282
STATE: MN					
COUNTY: COTTONWOOD	155	188	222	255	290
STATE: MN					
COUNTY: CROW WING	182	223	262	302	343
STATE: MN					
COUNTY: DODGE	182	223	262	302	343
STATE: MN					
COUNTY: DOUGLAS	155	188	222	255	290
STATE: MN					
COUNTY: FARIBAULT	182	223	262	302	343
STATE: MN					
COUNTY: FILLMORE	182	223	262	302	343
STATE: MN					
COUNTY: FREEBORN	182	223	262	302	343
STATE: MN					

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION	5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MINNEAPOLIS-ST. PAUL, MINNESOTA AREA OFFICE						
NON SMSA						
COUNTY: GOODHUE		161	196	231	267	302
STATE: MN						
COUNTY: GRANT		142	172	204	236	268
STATE: MN						
COUNTY: HOUTSON		151	184	217	252	285
STATE: MN						
COUNTY: HUBBARD		155	188	222	255	290
STATE: MN						
COUNTY: ISANTI		161	196	231	267	302
STATE: MN						
COUNTY: ITASCA		182	223	262	302	343
STATE: MN						
COUNTY: JACKSON		164	200	236	272	309
STATE: MN						
COUNTY: KANABEC		161	196	231	267	302
STATE: MN						
COUNTY: KANDIYOHI		182	223	262	302	343
STATE: MN						
COUNTY: KITTSCH		161	196	231	267	302
STATE: MN						
COUNTY: KOCHICHING		150	183	216	249	282
STATE: MN						
COUNTY: LAC QUI PARL		155	188	222	255	290
STATE: MN						
COUNTY: LAKE		150	183	216	249	282
STATE: MN						
COUNTY: LAKE OF WOOD		155	188	222	255	290
STATE: MN						
COUNTY: LE SUEUR		182	223	262	302	343
STATE: MN						
COUNTY: LINCOLN		164	200	236	272	309
STATE: MN						
COUNTY: LYON		164	200	236	272	309
STATE: MN						
COUNTY: MCLEOD		182	223	262	302	343
STATE: MN						
COUNTY: MAHNOVEN		161	196	231	267	302
STATE: MN						
COUNTY: MARSHALL		161	196	231	267	302
STATE: MN						
COUNTY: MARTIN		182	223	262	302	343
STATE: MN						
COUNTY: MEEKER		182	223	262	302	343
STATE: MN						
COUNTY: MILLE LACS		161	196	231	267	302
STATE: MN						
COUNTY: MORRISON		182	223	262	302	343
STATE: MN						

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MINNEAPOLIS-ST. PAUL, MINNESOTA AREA OFFICE					
NON SMSA					
COUNTY: MOWER STATE: MN	182	223	262	302	343
COUNTY: MURRAY STATE: MN	164	200	236	272	309
COUNTY: NICOLLET STATE: MN	182	223	262	302	343
COUNTY: NOBLES STATE: MN	164	200	236	272	309
COUNTY: NORMAN STATE: MN	161	196	231	267	302
COUNTY: OTTER TAIL STATE: MN	161	196	231	267	302
COUNTY: PENNINGTON STATE: MN	161	196	231	267	302
COUNTY: PINE STATE: MN	161	196	231	267	302
COUNTY: PIPESTONE STATE: MN	164	200	236	272	309
COUNTY: POPE STATE: MN	155	188	222	255	290
COUNTY: RED LAKE STATE: MN	161	196	231	267	302
COUNTY: REDWOOD STATE: MN	155	188	222	255	290
COUNTY: RENVILLE STATE: MN	155	188	222	255	290
COUNTY: RICE STATE: MN	161	196	231	267	302
COUNTY: ROCK STATE: MN	164	200	236	272	309
COUNTY: ROSEAU STATE: MN	161	196	231	267	302
COUNTY: SIBLEY STATE: MN	182	223	262	302	343
COUNTY: STEELE STATE: MN	182	223	262	302	343
COUNTY: STEVENS STATE: MN	155	188	222	255	290
COUNTY: SWIFT STATE: MN	155	188	222	255	290
COUNTY: TODD STATE: MN	155	188	222	255	290
COUNTY: TRAVERSE STATE: MN	142	172	204	236	268
COUNTY: WABASHA STATE: MN	182	223	262	302	343
COUNTY: WADENA STATE: MN	155	188	222	255	290

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MINNEAPOLIS-ST. PAUL, MINNESOTA AREA OFFICE					
NON SMSA					
COUNTY: WASECA STATE: MN	182	223	262	302	343
COUNTY: WATONWAN STATE: MN	182	223	262	302	343
COUNTY: WILKIN STATE: MN	161	196	231	267	302
COUNTY: WINONA STATE: MN	166	202	239	277	313
COUNTY: YELLOW MEDIC STATE: MN	155	188	222	255	290
REGION 6					
DALLAS, TEXAS AREA OFFICE					
SMSA: ALBUQUERQUE, NM					
COUNTY: BERNALILLO STATE: NM	168	205	241	278	314
COUNTY: SANDOVAL STATE: NM	168	205	241	278	314
SMSA: LAS CRUCES, NM					
COUNTY: DONA ANA STATE: NM	142	172	202	233	264
NON SMSA					
COUNTY: CATRON STATE: NM	142	172	202	233	264
COUNTY: CHAVES STATE: NM	142	172	202	233	264
COUNTY: COLFAX STATE: NM	168	205	241	278	314
COUNTY: CURRY STATE: NM	135	164	193	222	252
COUNTY: DE BACA STATE: NM	135	164	193	222	252
COUNTY: EDDY STATE: NM	142	172	202	233	264
COUNTY: GRANT STATE: NM	142	172	202	233	264
COUNTY: GUADALUPE STATE: NM	135	164	193	222	252
COUNTY: HARDING STATE: NM	135	164	193	222	252

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DALLAS, TEXAS AREA OFFICE					
NON SMSA					
COUNTY: HIDALGO STATE: NM	142	172	202	233	264
COUNTY: LEA STATE: NM	142	172	202	233	264
COUNTY: LINCOLN STATE: NM	142	172	202	233	264
COUNTY: LOS ALAMOS STATE: NM	168	205	241	278	314
COUNTY: LUNA STATE: NM	168	205	241	278	314
COUNTY: MCKINLEY STATE: NM	168	205	241	278	314
COUNTY: MORA STATE: NM	168	205	241	278	314
COUNTY: OTERO STATE: NM	142	172	202	233	264
COUNTY: QUAY STATE: NM	135	164	193	222	252
COUNTY: RIO ARriba STATE: NM	168	205	241	278	314
COUNTY: ROOSEVELT STATE: NM	135	164	193	222	252
COUNTY: SAN JUAN STATE: NM	168	205	241	278	314
COUNTY: SAN MIGUEL STATE: NM	168	205	241	278	314
COUNTY: SANTE FE STATE: NM	168	205	241	278	314
COUNTY: SIERRA STATE: NM	142	172	202	233	264
COUNTY: SOCORRO STATE: NM	142	172	202	233	264
COUNTY: TAOS STATE: NM	168	205	241	278	314
COUNTY: TORRANCE STATE: NM	168	205	241	278	314
COUNTY: UNION STATE: NM	135	164	193	222	252
COUNTY: VALENCIA STATE: NM	168	205	241	278	314
SMSA: DALLAS-FORT WORTH, TX					
COUNTY: COLLIN STATE: TX	206	248	292	336	378
COUNTY: DALLAS STATE: TX	206	248	292	336	378
COUNTY: DENTON STATE: TX	206	248	292	336	378
COUNTY: ELLIS STATE: TX	206	248	292	336	378

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DALLAS, TEXAS AREA OFFICE					
SMSA: DALLAS-FORT WORTH, TX					
COUNTY: KAUFMAN	206	248	292	336	378
STATE: TX					
COUNTY: ROCKWALL	206	248	292	336	378
STATE: TX					
SMSA: KILLEEN-TEMPLE, TX					
COUNTY: BELL	171	207	245	283	320
STATE: TX					
COUNTY: CORYELL	171	207	245	283	320
STATE: TX					
SMSA: LONGVIEW-MARSHALL, TX					
COUNTY: GREGG	138	169	200	231	262
STATE: TX					
SMSA: SHERMAN-DENISON, TX					
COUNTY: GRAYSON	147	180	212	245	277
STATE: TX					
SMSA: TEXARKANA, TX-AR					
COUNTY: BOWIE	138	169	200	231	262
STATE: TX					
SMSA: TYLER, TX					
COUNTY: SMITH	138	169	200	231	262
STATE: TX					
SMSA: WACO, TX					
COUNTY: MCLENNAN	171	207	245	283	320
STATE: TX					
NON SMSA					
COUNTY: ANDERSON	138	169	200	231	262
STATE: TX					
COUNTY: CAMP	121	148	174	201	228
STATE: TX					
COUNTY: CHEROKEE	138	169	200	231	262
STATE: TX					
COUNTY: COOKE	147	180	212	245	277
STATE: TX					
COUNTY: DELTA	121	148	174	201	228
STATE: TX					
COUNTY: FALLS	171	207	245	283	320
STATE: TX					
COUNTY: FANNIN	147	180	212	245	277
STATE: TX					
COUNTY: FRANKLIN	121	148	174	201	228
STATE: TX					
COUNTY: FREESTONE	171	207	245	283	320
STATE: TX					
COUNTY: HENDERSON	138	169	200	231	262
STATE: TX					
COUNTY: HILL	171	207	245	283	320
STATE: TX					
COUNTY: HOPKINS	147	180	212	245	277
STATE: TX					
COUNTY: HUNT	151	184	216	249	280
STATE: TX					

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DALLAS, TEXAS AREA OFFICE					
NON SMSA					
COUNTY: LAMAR STATE: TX	138	169	200	231	262
COUNTY: LIMESTONE STATE: TX	171	207	245	283	320
COUNTY: MILAM STATE: TX	158	193	228	263	297
COUNTY: NAVARRO STATE: TX	147	180	212	245	277
COUNTY: RAINS STATE: TX	147	180	212	245	277
COUNTY: RED RIVER STATE: TX	121	148	174	201	228
COUNTY: RUSK STATE: TX	138	169	200	231	262
COUNTY: TITUS STATE: TX	128	156	184	213	240
COUNTY: UPSHUR STATE: TX	138	169	200	231	262
COUNTY: VAN ZANDT STATE: TX	147	180	212	245	277
COUNTY: WOOD STATE: TX	138	169	200	231	262
SMSA: ABILENE, TX					
COUNTY: CALLAHAN STATE: TX	152	186	219	253	287
SMSA: ABILENE, TX					
COUNTY: JONES STATE: TX	152	186	219	253	287
COUNTY: TAYLOR STATE: TX	152	186	219	253	287
SMSA: DALLAS-FORT WORTH, TX					
COUNTY: HOOD STATE: TX	206	248	292	336	378
COUNTY: JOHNSON STATE: TX	206	248	292	336	378
COUNTY: PARKER STATE: TX	206	248	292	336	378
COUNTY: TARRANT STATE: TX	206	248	292	336	378
COUNTY: WISE STATE: TX	206	248	292	336	378
SMSA: SAN ANGELO, TX					
COUNTY: TOM GREEN STATE: TX	152	186	219	253	287
SMSA: WICHITA FALLS, TX					
COUNTY: CLAY STATE: TX	167	204	242	278	315
COUNTY: WICHITA STATE: TX	167	204	242	278	315
NON SMSA					
COUNTY: ARCHER STATE: TX	167	204	242	278	315

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DALLAS, TEXAS AREA OFFICE NON SMSA					
COUNTY: BAYLOR STATE: TX	167	204	242	278	315
COUNTY: BOSQUE STATE: TX	171	207	245	283	320
COUNTY: BROWN STATE: TX	152	186	219	253	287
COUNTY: COKE STATE: TX	152	186	219	253	287
COUNTY: COLEMAN STATE: TX	152	186	219	253	287
COUNTY: COMANCHE STATE: TX	152	186	219	253	287
COUNTY: CONCHO STATE: TX	152	186	219	253	287
COUNTY: CROCKETT STATE: TX	161	196	231	267	302
COUNTY: EASTLAND STATE: TX	152	186	219	253	287
COUNTY: ERATH STATE: TX	147	180	212	245	277
COUNTY: FOARD STATE: TX	167	204	242	278	315
COUNTY: HAMILTON STATE: TX	171	207	245	283	320
COUNTY: HARDEMAN STATE: TX	167	204	242	278	315
COUNTY: HASKELL STATE: TX	152	186	219	253	287
COUNTY: IRION STATE: TX	152	186	219	253	287
COUNTY: JACK STATE: TX	167	204	242	278	315
COUNTY: KIMBLE STATE: TX	152	186	219	253	287
COUNTY: KNOX STATE: TX	152	186	219	253	287
COUNTY: LAMPASAS STATE: TX	171	207	245	283	320
COUNTY: MCCULLOCH STATE: TX	152	186	219	253	287
COUNTY: MASON STATE: TX	152	186	219	253	287
COUNTY: MENARD STATE: TX	152	186	219	253	287
COUNTY: MILLS STATE: TX	152	186	219	253	287
COUNTY: MONTAGUE STATE: TX	147	180	212	245	277

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DALLAS, TEXAS AREA OFFICE NON SMSA					
COUNTY: PALO PINTO STATE: TX	147	180	212	245	277
COUNTY: REAGAN STATE: TX	161	196	231	267	302
COUNTY: RUNNELS STATE: TX	152	186	219	253	287
COUNTY: SAN SABA STATE: TX	152	186	219	253	287
COUNTY: SCHLEICHER STATE: TX	152	186	219	253	287
COUNTY: SHACKLEFORD STATE: TX	152	186	219	253	287
COUNTY: SOMERVELL STATE: TX	147	180	212	245	277
COUNTY: STEPHENS STATE: TX	152	186	219	253	287
COUNTY: STERLING STATE: TX	152	186	219	253	287
COUNTY: SUTTON STATE: TX	152	186	219	253	287
COUNTY: THROCKMORTON STATE: TX	167	204	242	278	315
COUNTY: WILBARGER STATE: TX	167	204	242	278	315
COUNTY: YOUNG STATE: TX	167	204	242	278	315
SMSA: BEAUMONT-PORT ARTHUR-ORANGE, TX					
COUNTY: HARDIN STATE: TX	169	195	230	265	300
COUNTY: JEFFERSON STATE: TX	169	195	230	265	300
COUNTY: ORANGE STATE: TX	169	195	230	265	300
SMSA: BRYAN-COLLEGE STATION, TX					
COUNTY: BRAZOS STATE: TX	169	193	228	263	297
SMSA: GALVESTON-TEXAS CITY, TX					
COUNTY: GALVESTON STATE: TX	188	228	269	311	351
SMSA: HOUSTON, TX					
COUNTY: BRAZORIA STATE: TX	201	245	290	335	380
COUNTY: FORT BEND STATE: TX	201	245	290	335	380
COUNTY: HARRIS STATE: TX	201	245	290	335	380
COUNTY: LIBERTY STATE: TX	201	245	290	335	380
COUNTY: MONTGOMERY STATE: TX	201	245	290	335	380

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DALLAS, TEXAS AREA OFFICE					
SMSA: HOUSTON, TX					
COUNTY: WALLER	201	245	290	335	380
STATE: TX					
NON SMSA					
COUNTY: ANGELINA	144	169	200	231	262
STATE: TX					
COUNTY: AUSTIN	157	191	225	260	295
STATE: TX					
COUNTY: BURLESON	158	193	228	263	297
STATE: TX					
COUNTY: CHAMBERS	157	191	225	260	295
STATE: TX					
COUNTY: COLORADO	157	191	225	260	295
STATE: TX					
COUNTY: GRIMES	158	193	228	263	297
STATE: TX					
COUNTY: HOUSTON	144	169	200	231	262
STATE: TX					
COUNTY: JASPER	157	191	225	260	295
STATE: TX					
COUNTY: LEON	158	193	228	263	297
STATE: TX					
COUNTY: MADISON	158	193	228	263	297
STATE: TX					
COUNTY: MATAGORDA	157	191	225	260	295
STATE: TX					
COUNTY: NACOGDOCHES	144	169	200	231	262
STATE: TX					
COUNTY: NEWTON	157	191	225	260	295
STATE: TX					
COUNTY: POLK	157	191	225	260	295
STATE: TX					
COUNTY: ROBERTSON	158	193	228	263	297
STATE: TX					
COUNTY: SABINE	144	157	186	215	243
STATE: TX					
COUNTY: SAN AUGUSTIN	144	157	186	215	243
STATE: TX					
COUNTY: SAN JACINTO	157	191	225	260	295
STATE: TX					
COUNTY: SHELBY	144	157	186	215	243
STATE: TX					
COUNTY: TRINITY	144	169	200	231	262
STATE: TX					
COUNTY: TYLER	157	191	225	260	295
STATE: TX					
COUNTY: WALKER	157	191	225	260	295
STATE: TX					
COUNTY: WASHINGTON	157	191	225	260	295
STATE: TX					

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DALLAS, TEXAS AREA OFFICE					
NON SMSA					
COUNTY: WHARTON STATE: TX	157	191	225	260	295
SMSA: AMARILLO, TX					
COUNTY: POTTER STATE: TX	146	178	209	243	274
COUNTY: RANDALL STATE: TX	146	178	209	243	274
SMSA: EL PASO, TX					
COUNTY: EL PASO STATE: TX	196	240	282	326	368
SMSA: LUBBOCK, TX					
COUNTY: LUBBOCK STATE: TX	152	186	219	253	287
SMSA: MIDLAND, TX					
COUNTY: MIDLAND STATE: TX	161	196	231	267	302
SMSA: ODESSA, TX					
COUNTY: ECTOR STATE: TX	161	196	231	267	302
NON SMSA					
COUNTY: ANDREWS STATE: TX	161	196	231	267	302
COUNTY: ARMSTRONG STATE: TX	146	178	209	243	274
COUNTY: BAILEY STATE: TX	152	186	219	253	287
COUNTY: BORDEN STATE: TX	161	196	231	267	302
COUNTY: BREWSTER STATE: TX	161	196	231	267	302
COUNTY: BRISCOE STATE: TX	146	178	209	243	274
COUNTY: CARSON STATE: TX	146	178	209	243	274
COUNTY: CASTRO STATE: TX	146	178	209	243	274
COUNTY: CHILDRESS STATE: TX	167	204	242	278	315
COUNTY: COCHRAN STATE: TX	152	186	219	253	287
COUNTY: COLLINGSWORTH STATE: TX	146	178	209	243	274
COUNTY: COTTLE STATE: TX	167	204	242	278	315
COUNTY: CRANE STATE: TX	161	196	231	267	302
COUNTY: CROSBY STATE: TX	152	186	219	253	287
COUNTY: CULBERSON STATE: TX	151	184	218	251	284

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DALLAS, TEXAS AREA OFFICE NON SMSA					
COUNTY DALLAM STATE TX	146	178	209	243	274
COUNTY DAWSON STATE TX	161	196	231	267	302
COUNTY DEAF SMITH STATE TX	146	178	209	243	274
COUNTY DICKENS STATE TX	152	186	219	253	287
COUNTY DONLEY STATE TX	146	178	209	243	274
COUNTY FISHER STATE TX	152	186	219	253	287
COUNTY FLOYD STATE TX	152	186	219	253	287
COUNTY GAINES STATE TX	161	196	231	267	302
COUNTY GARZA STATE TX	152	186	219	253	287
COUNTY GLASSCOCK STATE TX	161	196	231	267	302
COUNTY GRAY STATE TX	146	178	209	243	274
COUNTY HALE STATE TX	152	186	219	253	287
COUNTY HALL STATE TX	146	178	209	243	274
COUNTY HANSFORD STATE TX	146	178	209	243	274
COUNTY HARTLEY STATE TX	146	178	209	243	274
COUNTY HEMPHILL STATE TX	146	178	209	243	274
COUNTY HOCKLEY STATE TX	138	169	200	231	262
COUNTY HOWARD STATE TX	161	196	231	267	302
COUNTY HUDSPETH STATE TX	151	184	218	251	284
COUNTY HUTCHINSON STATE TX	146	178	209	243	274
COUNTY JEFF DAVIS STATE TX	151	184	218	251	284
COUNTY KENT STATE TX	152	186	219	253	287
COUNTY KING STATE TX	152	186	219	253	287
COUNTY LAMB STATE TX	152	186	219	253	287

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DALLAS, TEXAS AREA OFFICE NON SMSA					
COUNTY: LIPS COMB STATE: TX	146	178	209	243	274
COUNTY: LOVING STATE: TX	161	196	231	267	302
COUNTY: LYNN STATE: TX	152	186	219	253	287
COUNTY: MARTIN STATE: TX	161	196	231	267	302
COUNTY: MITCHELL STATE: TX	142	172	204	235	267
COUNTY: MOORE STATE: TX	146	178	209	243	274
COUNTY: MOTLEY STATE: TX	152	186	219	253	287
COUNTY: NOLAN STATE: TX	152	186	219	253	287
COUNTY: OCHILTREE STATE: TX	146	178	209	243	274
COUNTY: OLDHAM STATE: TX	146	178	209	243	274
COUNTY: PARKER STATE: TX	146	178	209	243	274
COUNTY: PECOS STATE: TX	161	196	231	267	302
COUNTY: PRESIDIO STATE: TX	151	184	218	251	284
COUNTY: REEVES STATE: TX	161	196	231	267	302
COUNTY: ROBERTS STATE: TX	146	178	209	243	274
COUNTY: SCURRY STATE: TX	152	186	219	253	287
COUNTY: SHERMAN STATE: TX	146	178	209	243	274
COUNTY: STONEWALL STATE: TX	152	186	219	253	287
COUNTY: SWISHER STATE: TX	146	178	209	243	274
COUNTY: TERRELL STATE: TX	161	196	231	267	302
COUNTY: TERRY STATE: TX	152	186	219	253	287
COUNTY: UPTON STATE: TX	161	196	231	267	302
COUNTY: WARD STATE: TX	161	196	231	267	302
COUNTY: WHEELER STATE: TX	146	178	209	243	274

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION: 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DALLAS, TEXAS AREA OFFICE					
NON SMSA					
COUNTY: WINKLER STATE: TX	161	196	231	267	302
COUNTY: YOAKUM STATE: TX	152	186	219	253	287
SMSA: LONGVIEW-MARSHALL, TX					
COUNTY: HARRISON STATE: TX	138	169	200	231	262
NON SMSA					
COUNTY: CASS STATE: TX	121	148	174	201	228
COUNTY: MARION STATE: TX	129	157	186	215	243
COUNTY: MORRIS STATE: TX	121	148	174	201	228
COUNTY: PANOLA STATE: TX	129	157	186	215	243
LITTLE ROCK, ARKANSAS AREA OFFICE					
SMSA: FAYETTEVILLE-SPRINGDALE, AR					
COUNTY: BENTON STATE: AR	147	180	212	245	277
COUNTY: WASHINGTON STATE: AR	147	180	212	245	277
SMSA: FORT SMITH, AR-OK					
COUNTY: CRAWFORD STATE: AR	141	171	202	233	264
COUNTY: SEBASTIAN STATE: AR	141	171	202	233	264
SMSA: LITTLE ROCK-NORTH LITTLE ROCK, AR					
COUNTY: PULASKI STATE: AR	176	214	253	292	330
COUNTY: SALINE STATE: AR	176	214	253	292	330
SMSA: MEMPHIS, TN-AR-MS					
COUNTY: CRITTENDEN STATE: AR	172	210	247	284	322
SMSA: PINE BLUFF, AR					
COUNTY: JEFFERSON STATE: AR	143	174	206	237	269
SMSA: TEXARKANA, TX-AR					
COUNTY: LITTLE RIVER STATE: AR	138	169	200	231	262
COUNTY: MILLER STATE: AR	138	169	200	231	262
NON SMSA					
COUNTY: ARKANSAS STATE: AR	143	174	206	237	269

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LITTLE ROCK, ARKANSAS AREA OFFICE					
NON SMSA					
COUNTY: ASHLEY STATE: AR	129	157	186	215	243
COUNTY: BAXTER STATE: AR	151	184	218	251	284
COUNTY: BOONE STATE: AR	151	184	218	251	284
COUNTY: BRADLEY STATE: AR	129	157	186	215	243
COUNTY: CALHOUN STATE: AR	129	157	186	215	243
COUNTY: CARROLL STATE: AR	151	184	218	251	284
COUNTY: CHICOT STATE: AR	129	157	186	215	243
COUNTY: CLARK STATE: AR	127	154	183	211	238
COUNTY: CLAY STATE: AR	142	172	204	235	267
COUNTY: CLEBURNE STATE: AR	127	154	183	211	238
COUNTY: CLEVELAND STATE: AR	143	174	206	237	269
COUNTY: COLUMBIA STATE: AR	129	157	186	215	243
COUNTY: CONWAY STATE: AR	127	154	183	211	238
COUNTY: CRAIGHEAD STATE: AR	142	172	204	235	267
COUNTY: CROSS STATE: AR	142	172	204	235	267
COUNTY: DALLAS STATE: AR	129	157	186	215	243
COUNTY: DESHA STATE: AR	129	157	186	215	243
COUNTY: DREW STATE: AR	129	157	186	215	243
COUNTY: FAULKNER STATE: AR	127	154	183	211	238
COUNTY: FRANKLIN STATE: AR	128	156	184	213	241
COUNTY: FULTON STATE: AR	127	154	183	211	238
COUNTY: GARLAND STATE: AR	127	154	183	211	238
COUNTY: GRANT STATE: AR	143	174	206	237	269
COUNTY: GREENE STATE: AR	142	172	204	235	267

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LITTLE ROCK, ARKANSAS AREA OFFICE					
NON SMSA					
COUNTY: HEMPSTEAD STATE: AR	121	148	174	201	228
COUNTY: HOTSPRING STATE: AR	127	154	183	211	238
COUNTY: HOWARD STATE: AR	121	148	174	201	228
COUNTY: INDEPENDENCE STATE: AR	127	154	183	211	238
COUNTY: IZARD STATE: AR	127	154	183	211	238
COUNTY: JACKSON STATE: AR	143	174	206	237	269
COUNTY: JOHNSON STATE: AR	127	154	183	211	238
COUNTY: LAFAYETTE STATE: AR	121	148	174	201	228
COUNTY: LAWRENCE STATE: AR	142	172	204	235	267
COUNTY: LEE STATE: AR	142	172	204	235	267
COUNTY: LINCOLN STATE: AR	143	174	206	237	269
COUNTY: LOGAN STATE: AR	128	156	184	213	241
COUNTY: LONOKE STATE: AR	143	174	206	237	269
COUNTY: MADISON STATE: AR	147	180	212	245	277
COUNTY: MARION STATE: AR	151	184	218	251	284
COUNTY: MISSISSIPPI STATE: AR	142	172	204	235	267
COUNTY: MONROE STATE: AR	143	174	206	237	269
COUNTY: MONTGOMERY STATE: AR	127	154	183	211	238
COUNTY: NEVADA STATE: AR	121	148	174	201	228
COUNTY: NEWTON STATE: AR	151	184	218	251	284
COUNTY: OUACHITA STATE: AR	129	157	186	215	243
COUNTY: PERRY STATE: AR	127	154	183	211	238
COUNTY: PHILLIPS STATE: AR	142	172	204	235	267
COUNTY: PIKE STATE: AR	127	154	183	211	238

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LITTLE ROCK, ARKANSAS AREA OFFICE					
NON SMSA					
COUNTY: POINSETT STATE: AR	142	172	204	235	267
COUNTY: POLK STATE: AR	128	156	184	213	241
COUNTY: POPE STATE: AR	127	154	183	211	238
COUNTY: PRAIRIE STATE: AR	143	174	206	237	269
COUNTY: RANDOLPH STATE: AR	142	172	204	235	267
COUNTY: ST FRANCIS STATE: AR	142	172	204	235	267
COUNTY: SCOTT STATE: AR	128	156	184	213	241
COUNTY: SEARCY STATE: AR	151	184	218	251	284
COUNTY: SEVIER STATE: AR	121	148	174	201	228
COUNTY: SHARP STATE: AR	127	154	183	211	238
COUNTY: STONE STATE: AR	127	154	183	211	238
COUNTY: UNION STATE: AR	129	157	186	215	243
COUNTY: VAN BUREN STATE: AR	127	154	183	211	238
COUNTY: WHITE STATE: AR	143	174	206	237	269
COUNTY: WOODRUFF STATE: AR	143	174	206	237	269
COUNTY: YELL STATE: AR	128	156	184	213	241

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION: 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
NEW ORLEANS, LOUISIANA AREA OFFICE					
SMSA: BATON ROUGE, LA					
PARISH: ASCENSION					
STATE: LA	218	264	312	359	407
PARISH: E BATON ROUGE					
STATE: LA	218	264	312	359	407
PARISH: LIVINGSTON					
STATE: LA	218	264	312	359	407
PARISH: W BATON ROUGE					
STATE: LA	218	264	312	359	407
SMSA: LAFAYETTE, LA					
PARISH: LAFAYETTE					
STATE: LA	165	201	237	274	310
SMSA: LAKE CHARLES, LA					
PARISH: CALCASIEU					
STATE: LA	165	201	237	274	310
SMSA: NEW ORLEANS, LA					
PARISH: JEFFERSON					
STATE: LA	202	246	290	333	377
PARISH: ORLEANS					
STATE: LA	202	246	290	333	377
PARISH: ST BERNARD					
STATE: LA	202	246	290	333	377
PARISH: ST TAMMANY					
STATE: LA	202	246	290	333	377
NON-SMSA					
PARISH: ACADIA					
STATE: LA	131	159	188	217	246
PARISH: ALLEN					
STATE: LA	165	201	237	274	310
PARISH: ASSUMPTION					
STATE: LA	146	178	209	243	274
PARISH: BEAUREGARD					
STATE: LA	165	201	237	274	310
PARISH: CAMERON					
STATE: LA	165	201	237	274	310
PARISH: E FELICIANA					
STATE: LA	131	159	188	217	246
PARISH: EVANGELINE					
STATE: LA	131	159	188	217	246
PARISH: IBERIA					
STATE: LA	131	159	188	217	246
PARISH: IBERVILLE					
STATE: LA	131	159	188	217	246
PARISH: JEFFERSON DA					
STATE: LA	165	201	237	274	310
PARISH: LAFOURCHE					
STATE: LA	146	178	209	243	274
PARISH: PLAQUEMINES					
STATE: LA	146	178	209	243	274
PARISH: POINTE COUPE					
STATE: LA	131	159	188	217	246

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
NEW ORLEANS, LOUISIANA AREA OFFICE					
NON SMSA					
PARISH ST CHARLES STATE: LA	146	178	209	243	274
PARISH ST HELENA STATE: LA	131	159	188	217	246
PARISH ST JAMES STATE: LA	146	178	209	243	274
PARISH ST JOHN THE STATE: LA	146	178	209	243	274
PARISH ST LANDRY STATE: LA	131	159	188	217	246
PARISH ST MARTIN STATE: LA	131	159	188	217	246
PARISH ST MARY STATE: LA	131	159	188	217	246
PARISH TANGIPAHOA STATE: LA	146	178	209	243	274
PARISH TERREBONNE STATE: LA	146	178	209	243	274
PARISH VERMILION STATE: LA	131	159	188	217	246
PARISH WASHINGTON STATE: LA	146	178	209	243	274
PARISH W FELICIANA STATE: LA	131	159	188	217	246
SMSA: ALEXANDRIA, LA					
PARISH GRANT STATE: LA	138	169	200	231	262
PARISH RAPIDES STATE: LA	138	169	200	231	262
SMSA: MONROE, LA					
PARISH OUACHITA STATE: LA	138	169	200	231	262
SMSA: SHREVEPORT, LA					
PARISH BOSSIER STATE: LA	171	207	245	283	320
PARISH CADDO STATE: LA	171	207	245	283	320
PARISH WEBSTER STATE: LA	171	207	245	283	320
NON SMSA					
PARISH AVOYELLES STATE: LA	138	169	200	231	262
PARISH BIENVILLE STATE: LA	129	157	186	215	243
PARISH CALDWELL STATE: LA	138	169	200	231	262
PARISH CATAHULA STATE: LA	138	169	200	231	262
PARISH CLAIBORNE STATE: LA	129	157	186	215	243

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION: 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
NEW ORLEANS, LOUISIANA AREA OFFICE NON SMSA					
PARISH CONCORDIA STATE, LA	131	159	188	217	246
PARISH DE SOTO STATE, LA	129	157	186	215	243
PARISH EAST CARROLL STATE, LA	138	169	200	231	262
PARISH FRANKLIN STATE, LA	138	169	200	231	262
PARISH JACKSON STATE, LA	138	169	200	231	262
PARISH LA SALLE STATE, LA	138	169	200	231	262
PARISH LINCOLN STATE, LA	138	169	200	231	262
PARISH MADISON STATE, LA	138	169	200	231	262
PARISH MOREHOUSE STATE, LA	138	169	200	231	262
PARISH NATCHITOCHES STATE, LA	138	169	200	231	262
PARISH RED RIVER STATE, LA	129	157	186	215	243
PARISH RICHLAND STATE, LA	138	169	200	231	262
PARISH SABINE STATE, LA	129	157	186	215	243
PARISH TENSAS STATE, LA	138	169	200	231	262
PARISH UNION STATE, LA	138	169	200	231	262
PARISH VERNON STATE, LA	165	201	237	274	310
PARISH WEST CARROLL STATE, LA	138	169	200	231	262
PARISH WINN STATE, LA	138	169	200	231	262

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

U.S. DEPARTMENT OF HOUSING AND UREAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OKLAHOMA CITY, OKLAHOMA AREA OFFICE					
SMSA: ENID, OK. COUNTY GARFIELD STATE: OK	147	180	212	245	277
SMSA: LAWTON, OK COUNTY COMANCHE STATE: OK	167	204	242	278	315
SMSA: OKLAHOMA CITY, OK COUNTY CANADIAN STATE: OK	172	209	246	283	320
COUNTY CLEVELAND STATE: OK	172	209	246	283	320
COUNTY MCCLAIN STATE: OK	172	209	246	283	320
COUNTY OKLAHOMA STATE: OK	172	209	246	283	320
COUNTY POTTAWATOMIE STATE: OK	172	209	246	283	320
NON SMSA					
COUNTY ALFALFA STATE: OK	141	171	202	233	264
COUNTY BEAVER STATE: OK	147	180	212	245	277
COUNTY BECKHAM STATE: OK	147	180	212	245	277
COUNTY BLAINE STATE: OK	141	171	202	233	264
COUNTY CADDO STATE: OK	167	204	242	278	315
COUNTY CARTER STATE: OK	132	160	190	219	249
COUNTY CIMARRON STATE: OK	147	180	212	245	277
COUNTY COTTON STATE: OK	167	204	242	278	315
COUNTY CUSTER STATE: OK	147	180	212	245	277
COUNTY DEWEY STATE: OK	141	171	202	233	264
COUNTY ELLIS STATE: OK	141	171	202	233	264
COUNTY GARVIN STATE: OK	132	160	190	219	249
COUNTY GRADY STATE: OK	132	160	190	219	249
COUNTY GRANT STATE: OK	141	171	202	233	264
COUNTY GREER STATE: OK	167	204	242	278	315
COUNTY HARMON STATE: OK	167	204	242	278	315

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OKLAHOMA CITY, OKLAHOMA AREA OFFICE NON S/M/SA					
COUNTY: HARPER STATE: OK	141	171	202	233	264
COUNTY: JACKSON STATE: OK	167	204	242	278	315
COUNTY: JEFFERSON STATE: OK	167	204	242	278	315
COUNTY: JOHNSTON STATE: OK	121	148	174	201	228
COUNTY: KAY STATE: OK	141	171	202	233	264
COUNTY: KINGFISHER STATE: OK	141	171	202	233	264
COUNTY: KIOWA STATE: OK	167	204	242	278	315
COUNTY: LINCOLN STATE: OK	141	171	202	233	264
COUNTY: LOGAN STATE: OK	141	171	202	233	264
COUNTY: LOVE STATE: OK	121	148	174	201	228
COUNTY: MAJOR STATE: OK	141	171	202	233	264
COUNTY: MARSHALL STATE: OK	147	180	212	245	277
COUNTY: MURRAY STATE: OK	121	148	174	201	228
COUNTY: NOBLE STATE: OK	141	171	202	233	264
COUNTY: PAYNE STATE: OK	167	204	242	278	315
COUNTY: PONTOTOC STATE: OK	132	160	190	219	249
COUNTY: ROGER MILLS STATE: OK	141	171	202	233	264
COUNTY: SEMINOLE STATE: OK	132	160	190	219	249
COUNTY: STEPHENS STATE: OK	167	204	242	278	315
COUNTY: TEXAS STATE: OK	147	180	212	245	277
COUNTY: TILLMAN STATE: OK	167	204	242	278	315
COUNTY: WASHITA STATE: OK	141	171	202	233	264
COUNTY: WOODS STATE: OK	141	171	202	233	264
COUNTY: WOODWARD STATE: OK	147	180	212	245	277

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OKLAHOMA CITY, OKLAHOMA AREA OFFICE					
SMSA: FORT SMITH, AR-OK					
COUNTY: LE FLORE	141	171	202	233	264
STATE: OK					
COUNTY: SEQUOYAH	141	171	202	233	264
STATE: OK					
SMSA: TULSA, OK					
COUNTY: CREEK	180	219	259	298	337
STATE: OK					
COUNTY: MAYES	180	219	259	298	337
STATE: OK					
COUNTY: OSAGE	180	219	259	298	337
STATE: OK					
COUNTY: ROGERS	180	219	259	298	337
STATE: OK					
COUNTY: TULSA	180	219	259	298	337
STATE: OK					
COUNTY: WAGONER	180	219	259	298	337
STATE: OK					
NON SMSA					
COUNTY: ADAIR	147	180	212	245	277
STATE: OK					
COUNTY: ATOKA	121	148	174	201	228
STATE: OK					
COUNTY: BRYAN	147	180	212	245	277
STATE: OK					
COUNTY: CHEROKEE	147	180	212	245	277
STATE: OK					
COUNTY: CHOCTAW	121	148	174	201	228
STATE: OK					
COUNTY: COAL	121	148	174	201	228
STATE: OK					
COUNTY: CRAIG	132	160	190	219	249
STATE: OK					
COUNTY: DELAWARE	147	180	212	245	277
STATE: OK					
COUNTY: HASKELL	132	160	190	219	249
STATE: OK					
COUNTY: HUGHES	121	148	174	201	228
STATE: OK					
COUNTY: LATIMER	132	160	190	219	249
STATE: OK					
COUNTY: MCCURTAIN	132	160	190	219	249
STATE: OK					
COUNTY: MCINTOSH	141	171	202	233	264
STATE: OK					
COUNTY: MUSKOGEE	147	180	212	245	277
STATE: OK					
COUNTY: NOWATA	141	171	202	233	264
STATE: OK					
COUNTY: OKFUSKEE	141	171	202	233	264
STATE: OK					

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OKLAHOMA CITY, OKLAHOMA AREA OFFICE					
NON SMSA					
COUNTY: OKMULGEE STATE: OK	141	171	202	233	264
COUNTY: OTTAWA STATE: OK	132	160	190	219	249
COUNTY: PAWNEE STATE: OK	141	171	202	233	264
COUNTY: PITTSBURG STATE: OK	132	160	190	219	249
COUNTY: PUSHMATAHA STATE: OK	132	160	190	219	249
COUNTY: WASHINGTON STATE: OK	147	180	212	245	277
SAN ANTONIO, TEXAS AREA OFFICE					
SMSA: AUSTIN, TX					
COUNTY: HAYS STATE: TX	241	293	345	398	451
COUNTY: TRAVIS STATE: TX	241	293	345	398	451
COUNTY: WILLIAMSON STATE: TX	241	293	345	398	451
SMSA: BROWN- SVILLE-HARLINGEN-SAN BENITO, TX					
COUNTY: CAMERON STATE: TX	180	219	259	298	337
SMSA: CORPUS CHRISTI, TX					
COUNTY: NUECES STATE: TX	176	214	253	292	330
COUNTY: SAN PATRICIO STATE: TX	176	214	253	292	330
SMSA: LAREDO, TX					
COUNTY: WEBB STATE: TX	185	226	267	308	348
SMSA: MC ALLEN-PHARR-EDINBURG, TX					
COUNTY: HIDALGO STATE: TX	180	219	259	298	337
SMSA: SAN ANTONIO, TX					
COUNTY: BEXAR STATE: TX	199	243	286	330	374
COUNTY: COMAL STATE: TX	199	243	286	330	374
COUNTY: GUADALUPE STATE: TX	199	243	286	330	374

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SAN ANTONIO, TEXAS AREA OFFICE NON SMSA					
COUNTY: ARANSAS STATE: TX	185	226	267	308	348
COUNTY: ATASCOSA STATE: TX	148	181	214	247	279
COUNTY: BANDERA STATE: TX	169	206	244	280	317
COUNTY: BASTROP STATE: TX	158	193	228	263	297
COUNTY: BEE STATE: TX	185	226	267	308	348
COUNTY: BLANCO STATE: TX	158	193	228	263	297
COUNTY: BROOKS STATE: TX	185	226	267	308	348
COUNTY: BURNET STATE: TX	158	193	228	263	297
COUNTY: CALDWELL STATE: TX	158	193	228	263	297
COUNTY: CALHOUN STATE: TX	148	181	214	247	279
COUNTY: DE WITT STATE: TX	148	181	214	247	279
COUNTY: DIMITT STATE: TX	185	226	267	308	348
COUNTY: DUVAL STATE: TX	185	226	267	308	348
COUNTY: EDWARDS STATE: TX	148	181	214	247	279
COUNTY: FAYETTE STATE: TX	157	191	225	260	295
COUNTY: FRIO STATE: TX	148	181	214	247	279
COUNTY: GILLESPIE STATE: TX	148	181	214	247	279
COUNTY: GOLIAD STATE: TX	148	181	214	247	279
COUNTY: GONZALES STATE: TX	148	181	214	247	279
COUNTY: JACKSON STATE: TX	148	181	214	247	279
COUNTY: JIM HCGG STATE: TX	185	226	267	308	348
COUNTY: JIM WELLS STATE: TX	185	226	267	308	348
COUNTY: KARNES STATE: TX	148	181	214	247	279
COUNTY: KENDALL STATE: TX	148	181	214	247	279

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SAN ANTONIO, TEXAS AREA OFFICE					
NON SRSA					
COUNTY: KENEDY STATE: TX	185	226	267	308	348
COUNTY: KERR STATE: TX	148	181	214	247	279
COUNTY: KINNEY STATE: TX	148	181	214	247	279
COUNTY: KLEBERG STATE: TX	185	226	267	308	348
COUNTY: LA SALLE STATE: TX	185	226	267	308	348
COUNTY: LAUACA STATE: TX	148	181	214	247	279
COUNTY: LEE STATE: TX	158	193	228	263	297
COUNTY: LIVE OAK STATE: TX	185	226	267	308	348
COUNTY: LLANO STATE: TX	158	193	228	263	297
COUNTY: MCMULLEN STATE: TX	185	226	267	308	348
COUNTY: MAVERICK STATE: TX	148	181	214	247	279
COUNTY: MEDINA STATE: TX	148	181	214	247	279
COUNTY: REAL STATE: TX	148	181	214	247	279
COUNTY: REFUGIO STATE: TX	185	226	267	308	348
COUNTY: STARR STATE: TX	185	226	267	308	348
COUNTY: UVALDE STATE: TX	148	181	214	247	279
COUNTY: VAL VERDE STATE: TX	148	181	214	247	279
COUNTY: VICTORIA STATE: TX	188	228	269	310	351
COUNTY: WILLACY STATE: TX	185	226	267	308	348
COUNTY: WILSON STATE: TX	148	181	214	247	279
COUNTY: ZAPATA STATE: TX	185	226	267	308	348
COUNTY: ZAVALA STATE: TX	148	181	214	247	279

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KANSAS CITY, MISSOURI AREA OFFICE					
SMSA: KANSAS CITY, MO-KS					
COUNTY: CASS STATE: MO	185	225	266	307	347
COUNTY: CLAY STATE: MO	185	225	266	307	347
COUNTY: JACKSON STATE: MO	185	225	266	307	347
COUNTY: PLATTE STATE: MO	185	225	266	307	347
COUNTY: RAY STATE: MO	185	225	266	307	347
COUNTY: JOHNSON STATE: KS	185	225	266	307	347
COUNTY: WYANDOTTE STATE: KS	185	225	266	307	347
SMSA: ST. JOSEPH, MO					
COUNTY: ANDREW STATE: MO	134	164	193	223	253
COUNTY: BUCHANAN STATE: MO	134	164	193	223	253
SMSA: SPRINGFIELD, MO					
COUNTY: CHRISTIAN STATE: MO	146	173	207	240	273
COUNTY: GREENE STATE: MO	146	173	207	240	273
NON SMSA					
COUNTY: ATCHISON STATE: MO	134	164	193	223	253
COUNTY: BARRY STATE: MO	132	160	189	219	248
COUNTY: BARTON STATE: MO	116	141	167	193	217
COUNTY: BATES STATE: MO	134	164	193	223	253
COUNTY: BENTON STATE: MO	134	164	193	223	253
COUNTY: CALDWELL STATE: MO	144	175	207	239	272
COUNTY: CAMDEN STATE: MO	162	197	232	269	304
COUNTY: CARROLL STATE: MO	134	164	193	223	253
COUNTY: CEDAR STATE: MO	116	141	167	193	217
COUNTY: CHARITON STATE: MO	162	197	232	269	304
COUNTY: CLINTON STATE: MO	134	164	193		
COUNTY: DADE STATE: MO	132	160	189	219	248
COUNTY: DALLAS STATE: MO	132	160	189	219	248

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KANSAS CITY, MISSOURI AREA OFFICE					
NON SMSA					
COUNTY DAVIESS STATE MO	144	175	207	239	272
COUNTY DE KALB STATE MO	134	164	193	223	253
COUNTY GENTRY STATE MO	134	164	193	223	253
COUNTY GRUNDY STATE MO	144	175	207	239	272
COUNTY HARRISON STATE MO	144	175	207	239	272
COUNTY HENRY STATE MO	134	164	193	223	253
COUNTY HICKORY STATE MO	132	160	189	219	248
COUNTY HOLT STATE MO	134	164	193	223	253
COUNTY JASPER STATE MO	130	149	180	203	225
COUNTY JOHNSON STATE MO	150	174	215	236	262
COUNTY LACLEDE STATE MO	144	174	207	238	270
COUNTY LAFAYETTE STATE MO	134	164	193	223	253
COUNTY LAWRENCE STATE MO	132	160	189	219	248
COUNTY LINN STATE MO	144	175	207	239	272
COUNTY LIVINGSTON STATE MO	144	175	207	239	272
COUNTY McDONALD STATE MO	116	141	167	193	217
COUNTY MERCER STATE MO	144	175	207	239	272
COUNTY MILLER STATE MO	162	197	232	269	304
COUNTY MORGAN STATE MO	162	197	232	269	304
COUNTY NEWTON STATE MO	130	149	180	203	225
COUNTY NODAWAY STATE MO	150	174	215	236	262
COUNTY PETTIS STATE MO	134	164	193	223	253
COUNTY POCK STATE MO	132	160	189	219	248
COUNTY PULASKI STATE MO	144	174	207	238	270

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KANSAS CITY, MISSOURI AREA OFFICE					
NON SMSA					
COUNTY: PUTNAM STATE: MO	144	175	207	239	272
COUNTY: ST. CLAIR STATE: MO	116	141	167	193	217
COUNTY: SALINE STATE: MO	134	164	193	223	253
COUNTY: STONE STATE: MO	132	160	189	219	248
COUNTY: SULLIVAN STATE: MO	144	175	207	239	272
COUNTY: TANEY STATE: MO	132	160	189	219	248
COUNTY: VERNON STATE: MO	116	141	167	193	217
COUNTY: WEBSTER STATE: MO	132	160	189	219	248
COUNTY: WORTH STATE: MO	134	164	193	223	253
SMSA: LAWRENCE, KS					
COUNTY: DOUGLAS STATE: KS	197	231	277	324	353
SMSA: TOPEKA, KS					
COUNTY: JEFFERSON STATE: KS	174	211	249	287	326
COUNTY: OSAGE STATE: KS	174	211	249	287	326
COUNTY: SHAWNEE STATE: KS	174	211	249	287	326
SMSA: WICHITA, KS					
COUNTY: BUTLER STATE: KS	183	215	251	296	327
COUNTY: SEDGWICK STATE: KS	183	215	251	296	327
NON SMSA					
COUNTY: ALLEN STATE: KS	116	141	167	193	217
COUNTY: ANDERSON STATE: KS	139	170	201	233	264
COUNTY: ATCHISON STATE: KS	139	170	201	233	264
COUNTY: BARBER STATE: KS	123	151	178	206	233
COUNTY: BARTON STATE: KS	133	161	192	221	251
COUNTY: BOURBON STATE: KS	116	141	167	193	217
COUNTY: BROWN STATE: KS	139	170	201	233	264
COUNTY: CHASE STATE: KS	123	151	178	206	233
COUNTY: CHAUTAUQUA STATE: KS	123	151	178	206	233

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR, 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KANSAS CITY, MISSOURI AREA OFFICE NON SMSA					
COUNTY: CHEROKEE STATE: KS	116	141	167	193	217
COUNTY: CHEYENNE STATE: KS	133	161	192	221	251
COUNTY: CLARK STATE: KS	123	151	178	206	233
COUNTY: CLAY STATE: KS	133	161	192	221	251
COUNTY: CLOUD STATE: KS	133	161	192	221	251
COUNTY: COFFEY STATE: KS	139	170	201	233	264
COUNTY: COMANCHE STATE: KS	123	151	178	206	233
COUNTY: COWLEY STATE: KS	123	151	178	206	233
COUNTY: CRAWFORD STATE: KS	116	141	167	193	217
COUNTY: DECATUR STATE: KS	133	161	192	221	251
COUNTY: DICKINSON STATE: KS	133	161	192	221	251
COUNTY: DONIPHAN STATE: KS	139	170	201	233	264
COUNTY: EDWARDS STATE: KS	123	151	178	206	233
COUNTY: ELK STATE: KS	123	151	178	206	233
COUNTY: ELLIS STATE: KS	133	161	192	221	251
COUNTY: ELLSWORTH STATE: KS	133	161	192	221	251
COUNTY: FINNEY STATE: KS	123	151	178	206	233
COUNTY: FORD STATE: KS	123	151	178	206	233
COUNTY: FRANKLIN STATE: KS	139	170	201	233	264
COUNTY: GEARY STATE: KS	139	170	201	233	264
COUNTY: GOVE STATE: KS	133	161	192	221	251
COUNTY: GRAHAM STATE: KS	133	161	192	221	251
COUNTY: GRANT STATE: KS	123	151	178	206	233
COUNTY: GRAY STATE: KS	123	151	178	206	233

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KANSAS CITY, MISSOURI AREA OFFICE					
NON-SKSA					
COUNTY: GREELEY STATE: KS	133	161	192	221	251
COUNTY: GREENWOOD STATE: KS	123	151	178	206	233
COUNTY: HAMILTON STATE: KS	123	151	178	206	233
COUNTY: HARPER STATE: KS	123	151	178	206	233
COUNTY: HARVEY STATE: KS	135	163	190	229	241
COUNTY: HASKELL STATE: KS	123	151	178	206	233
COUNTY: HODGENAN STATE: KS	123	151	178	206	233
COUNTY: JACKSON STATE: KS	139	170	201	233	264
COUNTY: JEWELL STATE: KS	133	161	192	221	251
COUNTY: KEARNY STATE: KS	123	151	178	206	233
COUNTY: KINGMAN STATE: KS	123	151	178	206	233
COUNTY: KIOWA STATE: KS	123	151	178	206	233
COUNTY: LABETTE STATE: KS	116	141	167	193	217
COUNTY: LANE STATE: KS	133	161	192	221	251
COUNTY: LEAVENWORTH STATE: KS	174	211	249	287	326
COUNTY: LINCOLN STATE: KS	133	161	192	221	251
COUNTY: LINN STATE: KS	139	170	201	233	264
COUNTY: LOGAN STATE: KS	133	161	192	221	251
COUNTY: LYON STATE: KS	139	170	201	233	264
COUNTY: MCPHERSON STATE: KS	133	161	192	221	251
COUNTY: MARION STATE: KS	123	151	178	206	233
COUNTY: MARSHALL STATE: KS	139	170	201	233	264
COUNTY: MEADE STATE: KS	123	151	178	206	233
COUNTY: MIAMI STATE: KS	139	170	201	233	264

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KANSAS CITY, MISSOURI AREA OFFICE NON SNVA					
COUNTY MITCHELL STATE KS	133	161	192	221	251
COUNTY MONTGOMERY STATE KS	116	141	167	193	217
COUNTY MORRIS STATE KS	133	161	192	221	251
COUNTY MORTON STATE KS	123	151	178	206	233
COUNTY NEMAH STATE KS	139	170	201	233	264
COUNTY NEOSHO STATE KS	116	141	167	193	217
COUNTY NESS STATE KS	133	161	192	221	251
COUNTY NORTON STATE KS	133	161	192	221	251
COUNTY OSBORNE STATE KS	133	161	192	221	251
COUNTY OTTAWA STATE KS	133	161	192	221	251
COUNTY PAWNEE STATE KS	123	151	178	206	233
COUNTY PHILLIPS STATE KS	133	161	192	221	251
COUNTY POTTAWATOMIE STATE KS	139	170	201	233	264
COUNTY PRATT STATE KS	123	151	178	206	233
COUNTY RAWLINS STATE KS	133	161	192	221	251
COUNTY RENO STATE KS	123	151	178	206	233
COUNTY REPUBLIC STATE KS	133	161	192	221	251
COUNTY RICE STATE KS	133	161	192	221	251
COUNTY RILEY STATE KS	162	200	233	272	305
COUNTY ROOKS STATE KS	133	161	192	221	251
COUNTY RUSH STATE KS	133	161	192	221	251
COUNTY RUSSELL STATE KS	133	161	192	221	251
COUNTY SALINE STATE KS	133	161	192	221	251
COUNTY SCOTT STATE KS	133	161	192	221	251

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KANSAS CITY, MISSOURI AREA OFFICE					
NON SMSA					
COUNTY: SEWARD STATE: KS	123	151	178	206	233
COUNTY: SHERIDAN STATE: KS	133	161	192	221	251
COUNTY: SHERMAN STATE: KS	133	161	192	221	251
COUNTY: SMITH STATE: KS	133	161	192	221	251
COUNTY: STAFFORD STATE: KS	123	151	178	206	233
COUNTY: STANTON STATE: KS	123	151	178	206	233
COUNTY: STEVENS STATE: KS	123	151	178	206	233
COUNTY: SUMNER STATE: KS	123	151	178	206	233
COUNTY: THOMAS STATE: KS	133	161	192	221	251
COUNTY: TREGO STATE: KS	133	161	192	221	251
COUNTY: WABAUNSEE STATE: KS	139	170	201	233	264
COUNTY: WALLACE STATE: KS	133	161	192	221	251
COUNTY: WASHINGTON STATE: KS	139	170	201	233	264
COUNTY: WICHITA STATE: KS	133	161	192	221	251
COUNTY: WILSON STATE: KS	116	141	167	193	217
COUNTY: WOODSON STATE: KS	116	141	167	193	217

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OMAHA, NEBRASKA AREA OFFICE					
SMSA: CEDAR RAPIDS, IA COUNTY: LINN STATE: IA	196	240	283	326	369
SMSA: DAVENPORT-ROCK ISLAND-MOLINE, IA-IL COUNTY: SCOTT STATE: IA	197	241	284	328	371
SMSA: DES MOINES, IA COUNTY: POLK STATE: IA	208	254	299	345	390
COUNTY: WARREN STATE: IA	208	254	299	345	390
SMSA: DUBUQUE, IA COUNTY: DUBUQUE STATE: IA	165	216	263	338	370
SMSA: IOWA CITY, IA COUNTY: JOHNSON STATE: IA	196	240	283	326	369
SMSA: OMAHA, NE-IA COUNTY: POTTAWATTAMI STATE: IA	190	230	272	314	355
SMSA: SIOUX CITY, IA-NE COUNTY: WOODBURY STATE: IA	172	223	276	322	357
SMSA: WATERLOO-CEDAR FALLS, IA COUNTY: BLACK HAWK STATE: IA	164	200	236	272	328
VON SMSA					
COUNTY: ADAIR STATE: IA	153	187	222	255	289
COUNTY: ADAMS STATE: IA	153	187	222	255	289
COUNTY: ALLAMAKEE STATE: IA	150	183	216	250	283
COUNTY: APPANCOSE STATE: IA	153	187	222	255	289
COUNTY: AUDUBON STATE: IA	148	180	213	245	279
COUNTY: BENTON STATE: IA	196	240	283	326	369
COUNTY: BOONE STATE: IA	153	187	222	255	289
COUNTY: BREMER STATE: IA	164	200	236	272	309
COUNTY: BUCHANAN STATE: IA	164	200	236	272	309
COUNTY: BUENA VISTA STATE: IA	147	179	211	244	276
COUNTY: BUTLER STATE: IA	164	200	236	272	309
COUNTY: CALHOUN STATE: IA	147	179	211	244	276
COUNTY: CARROLL STATE: IA	148	180	213	245	279

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7

0 BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4 BEDROOMS

OMAHA, NEBRASKA AREA OFFICE
NON SMSA

COUNTY: CASS STATE: IA	147	179	211	244	276
COUNTY: CEDAR STATE: IA	196	240	283	326	369
COUNTY: CERRO GORDO STATE: IA	164	200	236	272	309
COUNTY: CHEROKEE STATE: IA	148	180	213	245	279
COUNTY: CHICKASAW STATE: IA	164	200	236	272	309
COUNTY: CLARKE STATE: IA	153	187	222	255	289
COUNTY: CLAY STATE: IA	147	179	211	244	276
COUNTY: CLAYTON STATE: IA	150	183	216	250	283
COUNTY: CLINTON STATE: IA	166	202	240	277	313
COUNTY: CRAWFORD STATE: IA	148	180	213	245	279
COUNTY: DALLAS STATE: IA	153	187	222	255	289
COUNTY: DAVIS STATE: IA	153	187	222	255	289
COUNTY: DECATUR STATE: IA	153	187	222	255	289
COUNTY: DELAWARE STATE: IA	150	183	216	250	283
COUNTY: DES MOINES STATE: IA	151	184	217	252	285
COUNTY: DICKINSON STATE: IA	149	179	211	244	276
COUNTY: EMMET STATE: IA	147	179	211	244	276
COUNTY: FAYETTE STATE: IA	164	200	236	272	309
COUNTY: FLOYD STATE: IA	164	200	236	272	309
COUNTY: FRANKLIN STATE: IA	164	200	236	272	309
COUNTY: FREMONT STATE: IA	147	179	211	244	276
COUNTY: GREENE STATE: IA	148	180	213	245	279
COUNTY: GRUNDY STATE: IA	164	200	236	272	309
COUNTY: GUTHRIE STATE: IA	148	180	213	245	279

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OMAHA, NEBRASKA AREA OFFICE					
NON SHSA					
COUNTY: HAMILTON STATE: IA	147	179	211	244	276
COUNTY: HANCOCK STATE: IA	164	200	236	272	309
COUNTY: HARDIN STATE: IA	164	200	236	272	309
COUNTY: HARRISON STATE: IA	147	179	211	244	276
COUNTY: HENRY STATE: IA	151	184	217	252	285
COUNTY: HOWARD STATE: IA	150	183	216	250	283
COUNTY: HUMBOLDT STATE: IA	147	179	211	244	276
COUNTY: IOWA STATE: IA	148	180	213	245	279
COUNTY: JACKSON STATE: IA	196	240	283	326	369
COUNTY: JASPER STATE: IA	150	183	216	250	283
COUNTY: JEFFERSON STATE: IA	153	187	222	255	289
COUNTY: JONES STATE: IA	153	187	222	255	289
COUNTY: KEOKUK STATE: IA	196	240	283	326	369
COUNTY: KOSKUTH STATE: IA	153	187	222	255	289
COUNTY: KOSKUTH STATE: IA	164	200	236	272	309
COUNTY: LEE STATE: IA	151	184	217	252	285
COUNTY: LOUISA STATE: IA	166	202	240	277	313
COUNTY: LUCAS STATE: IA	153	187	222	255	289
COUNTY: LYON STATE: IA	153	187	222	255	289
COUNTY: MADISON STATE: IA	164	200	236	272	309
COUNTY: MADISON STATE: IA	153	187	222	255	289
COUNTY: MAHASKA STATE: IA	153	187	222	255	289
COUNTY: MARION STATE: IA	153	187	222	255	289
COUNTY: MARSHALL STATE: IA	153	187	222	255	289
COUNTY: MILLS STATE: IA	147	179	211	244	276

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR;
6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE
CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OMAHA, NEBRASKA AREA OFFICE NON SKSA					
COUNTY: MITCHELL STATE: IA	164	200	236	272	309
COUNTY: MONONA STATE: IA	148	180	213	245	279
COUNTY: MONROE STATE: IA	153	187	222	255	289
COUNTY: MONTGOMERY STATE: IA	147	179	211	244	276
COUNTY: MUSCATINE STATE: IA	166	202	240	277	313
COUNTY: O'BRIEN STATE: IA	148	180	213	245	279
COUNTY: OSCEOLA STATE: IA	164	200	236	272	309
COUNTY: PAGE STATE: IA	147	179	211	244	276
COUNTY: PALO ALTO STATE: IA	147	179	211	244	276
COUNTY: PLYMOUTH STATE: IA	148	180	213	245	279
COUNTY: POCAHONTAS STATE: IA	147	179	211	244	276
COUNTY: POWESHIEK STATE: IA	153	187	222	255	289
COUNTY: RINGGOLD STATE: IA	153	187	222	255	289
COUNTY: SAC STATE: IA	148	180	213	245	279
COUNTY: SHELBY STATE: IA	147	179	211	244	276
COUNTY: SIOUX STATE: IA	148	180	213	245	279
COUNTY: STORY STATE: IA	167	194	234	264	289
COUNTY: TAMA STATE: IA	153	187	222	255	289
COUNTY: TAYLOR STATE: IA	153	187	222	255	289
COUNTY: UNION STATE: IA	153	187	222	255	289
COUNTY: VAN BUREN STATE: IA	153	187	222	255	289
COUNTY: WAPELLO STATE: IA	153	187	222	255	289
COUNTY: WASHINGTON STATE: IA	166	202	240	277	313
COUNTY: WAYNE STATE: IA	153	187	222	255	289

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 120 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OMAHA, NEBRASKA AREA OFFICE					
NON SMSA					
COUNTY WEBSTER STATE: IA	150	179	223	244	276
COUNTY WINNEBAGO STATE: IA	164	200	236	272	309
COUNTY WINNEBAGO STATE: IA	150	183	216	250	283
COUNTY WORTH STATE: IA	164	200	236	272	309
COUNTY WRIGHT STATE: IA	147	179	211	244	276
SMSA: LINCOLN, NE					
COUNTY LANCASTER STATE: NE	196	239	282	325	368
SMSA: OMAHA, NE-IA					
COUNTY DOUGLAS STATE: NE	190	230	272	314	355
COUNTY SARPY STATE: NE	190	230	272	314	355
SMSA: SIOUX CITY, IA-NE					
COUNTY DAKOTA STATE: NE	172	223	276	322	357
NON SMSA					
COUNTY ADAMS STATE: NE	140	189	246	311	343
COUNTY ANTELOPE STATE: NE	140	172	203	235	266
COUNTY ARTHUR STATE: NE	140	172	203	235	266
COUNTY BANNER STATE: NE	138	169	199	230	261
COUNTY BLAINE STATE: NE	140	172	203	235	266
COUNTY BOONE STATE: NE	140	172	203	235	266
COUNTY BOX BUTTE STATE: NE	168	204	241	279	315
COUNTY BOYD STATE: NE	140	172	203	235	266
COUNTY BROWN STATE: NE	140	172	203	235	266
COUNTY BUFFALO STATE: NE	140	172	203	235	266
COUNTY BURT STATE: NE	147	179	211	244	276
COUNTY BUTLER STATE: NE	147	179	211	244	276
COUNTY CASS STATE: NE	147	179	211	244	276
COUNTY CEDAR STATE: NE	148	180	213	245	279

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 120 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OMAHA, NEBRASKA AREA OFFICE NON SMSA					
COUNTY CHASE STATE NE	161	196	231	267	302
COUNTY CHERRY STATE NE	140	172	203	235	266
COUNTY CHEYENNE STATE NE	138	169	199	230	261
COUNTY CLAY STATE NE	140	172	203	235	266
COUNTY COLFAX STATE NE	147	179	211	244	276
COUNTY COMING STATE NE	148	180	213	245	279
COUNTY CUSTER STATE NE	140	172	203	235	266
COUNTY DAWES STATE NE	138	169	199	230	261
COUNTY DAWSON STATE NE	140	172	203	235	266
COUNTY DEUEL STATE NE	138	169	199	230	261
COUNTY DIXON STATE NE	148	180	213	245	279
COUNTY DODGE STATE NE	147	179	211	244	276
COUNTY DUNDY STATE NE	161	196	231	267	302
COUNTY FILLMORE STATE NE	147	179	211	244	276
COUNTY FRANKLIN STATE NE	140	172	203	235	266
COUNTY FRONTIER STATE NE	140	172	203	235	266
COUNTY FURNAS STATE NE	140	172	203	235	266
COUNTY GAGE STATE NE	172	210	247	285	322
COUNTY GARDEN STATE NE	138	169	199	230	261
COUNTY GARFIELD STATE NE	140	172	203	235	266
COUNTY GOSPER STATE NE	140	172	203	235	266
COUNTY GRANT STATE NE	140	172	203	235	266
COUNTY GREELEY STATE NE	140	172	203	235	266
COUNTY HALL STATE NE	140	172	203	269	297

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LOWER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OMAHA, NEBRASKA AREA OFFICE						
NON SMSA						
COUNTY HAMILTON	STATE NE	140	172	203	235	266
COUNTY HARLAN	STATE NE	140	172	203	235	266
COUNTY HAYES	STATE NE	140	172	203	235	266
COUNTY HITCHCOCK	STATE NE	140	172	203	235	266
COUNTY HOLT	STATE NE	148	180	213	245	279
COUNTY HOOKER	STATE NE	140	172	203	235	266
COUNTY HOWARD	STATE NE	140	172	203	235	266
COUNTY JEFFERSON	STATE NE	147	179	211	244	276
COUNTY JOHNSON	STATE NE	147	179	211	244	276
COUNTY KEARNEY	STATE NE	140	172	203	235	266
COUNTY KEITH	STATE NE	140	172	203	235	266
COUNTY KEYA PAHA	STATE NE	148	180	213	245	279
COUNTY KIMBALL	STATE NE	138	169	199	230	261
COUNTY KNOX	STATE NE	148	180	213	245	279
COUNTY LINCOLN	STATE NE	140	172	203	235	266
COUNTY LOGAN	STATE NE	140	172	203	235	266
COUNTY LOUP	STATE NE	140	172	203	235	266
COUNTY MCPHERSON	STATE NE	140	172	203	235	266
COUNTY MADISON	STATE NE	148	180	213	245	279
COUNTY MERRICK	STATE NE	140	172	203	235	266
COUNTY MORRILL	STATE NE	138	169	199	230	261
COUNTY NANCE	STATE NE	140	172	203	235	266
COUNTY NEMAH	STATE NE	147	179	211	244	276
COUNTY NUCKOLLS	STATE NE	140	172	203	235	266

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LOWER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OMAHA, NEBRASKA AREA OFFICE					
NON SMSA					
COUNTY: OTTOE STATE: NE	147	179	211	244	276
COUNTY: PAWNEE STATE: NE	147	179	211	244	276
COUNTY: PERKINS STATE: NE	161	196	231	267	302
COUNTY: PHELPS STATE: NE	140	172	203	235	266
COUNTY: PIERCE STATE: NE	148	180	213	245	279
COUNTY: PLATTE STATE: NE	147	179	211	244	276
COUNTY: POLK STATE: NE	147	179	211	244	276
COUNTY: RED WILLOW STATE: NE	140	172	203	235	266
COUNTY: RICHARDSON STATE: NE	147	179	211	244	276
COUNTY: ROCK STATE: NE	148	180	213	245	279
COUNTY: SALINE STATE: NE	147	179	211	244	276
COUNTY: SAUNDERS STATE: NE	147	179	211	244	276
COUNTY: SCOTTS BLUFF STATE: NE	169	205	241	277	313
COUNTY: SEWARD STATE: NE	147	179	211	244	276
COUNTY: SHERIDAN STATE: NE	138	169	199	230	261
COUNTY: SHERMAN STATE: NE	140	172	203	235	266
COUNTY: SIOUX STATE: NE	138	169	199	230	261
COUNTY: STANTON STATE: NE	148	180	213	245	279
COUNTY: THAYER STATE: NE	147	179	211	244	276
COUNTY: THOMAS STATE: NE	140	172	203	235	266
COUNTY: THURSTON STATE: NE	148	180	213	245	279
COUNTY: VALLEY STATE: NE	140	172	203	235	266
COUNTY: WASHINGTON STATE: NE	147	179	211	244	276
COUNTY: WAYNE STATE: NE	148	180	213	245	279

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OMAHA, NEBRASKA AREA OFFICE					
NON SMSA					
COUNTY WEBSTER STATE: NE	140	172	203	235	266
COUNTY WHEELER STATE: NE	140	172	203	235	266
COUNTY YORK STATE: NE	147	179	211	244	276
ST. LOUIS, MISSOURI AREA OFFICE					
SMSA: COLUMBIA, MO					
COUNTY BOONE STATE: MO	172	210	247	285	322
SMSA: ST. LOUIS, MO-IL					
COUNTY FRANKLIN STATE: MO	193	235	276	319	364
COUNTY JEFFERSON STATE: MO	193	235	276	319	364
COUNTY ST. CHARLES STATE: MO	193	235	276	319	364
COUNTY ST. LOUIS STATE: MO	193	235	276	319	364
INDEP. CITY, ST. LOUIS STATE: MO	193	235	276	319	364
NON SMSA					
COUNTY ADAIR STATE: MO	162	197	232	269	304
COUNTY AUDRAIN STATE: MO	162	197	232	269	304
COUNTY BOLLINGER STATE: MO	126	155	183	211	240
COUNTY BUTLER STATE: MO	126	155	183	211	240
COUNTY CALLAWAY STATE: MO	162	197	232	269	304
COUNTY CAPE GIRARDE STATE: MO	151	184	217	251	284

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ST. LOUIS, MISSOURI AREA OFFICE NON SMSA					
COUNTY CARTER STATE MO	126	155	183	211	240
COUNTY CLARK STATE MO	151	184	217	252	285
COUNTY COLE STATE MO	162	197	232	269	304
COUNTY COOPER STATE MO	162	197	232	269	304
COUNTY CRAWFORD STATE MO	144	174	207	238	270
COUNTY DENT STATE MO	144	174	207	238	270
COUNTY DOUGLAS STATE MO	132	160	189	219	248
COUNTY DUNKLIN STATE MO	126	155	183	211	240
COUNTY GASCONADE STATE MO	144	174	207	238	270
COUNTY HOWARD STATE MO	162	197	232	269	304
COUNTY HOWELL STATE MO	132	160	189	219	248
COUNTY IRON STATE MO	144	174	207	238	270
COUNTY KNOX STATE MO	162	197	232	269	304
COUNTY LEWIS STATE MO	151	184	217	252	285
COUNTY LINCOLN STATE MO	144	174	207	238	270
COUNTY MACON STATE MO	162	197	232	269	304
COUNTY MADISON STATE MO	144	174	207	238	270
COUNTY MARIES STATE MO	144	174	207	238	270
COUNTY MARION STATE MO	151	184	217	252	285
COUNTY MISSISSIPPI STATE MO	126	155	183	211	240
COUNTY MONITEAU STATE MO	162	197	232	269	304
COUNTY MONROE STATE MO	162	197	232	269	304
COUNTY MONTGOMERY STATE MO	144	174	207	238	270
COUNTY NEW MADRID STATE MO	126	155	183	211	240

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ST. LOUIS, MISSOURI AREA OFFICE					
NON SWSA					
COUNTY OREGON STATE MO	132	160	189	219	248
COUNTY OSAGE STATE MO	162	197	232	269	304
COUNTY OZARK STATE MO	132	160	189	219	248
COUNTY PEMISCOT STATE MO	126	155	183	211	240
COUNTY PERRY STATE MO	144	174	207	238	270
COUNTY PHELPS STATE MO	144	174	207	238	270
COUNTY PIKE STATE MO	144	174	207	238	270
COUNTY RALLS STATE MO	151	184	217	252	285
COUNTY RANDOLPH STATE MO	162	197	232	269	304
COUNTY REYNOLDS STATE MO	144	174	207	238	270
COUNTY RIPLEY STATE MO	126	155	183	211	240
COUNTY ST FRANCOIS STATE MO	144	174	207	238	270
COUNTY STE GENEVIEV STATE MO	144	174	207	238	270
COUNTY SCHUYLER STATE MO	162	197	232	269	304
COUNTY SCOTLAND STATE MO	162	197	232	269	304
COUNTY SCOTT STATE MO	151	184	217	251	284
COUNTY SHANNON STATE MO	132	160	189	219	248
COUNTY SHELBY STATE MO	162	197	232	269	304
COUNTY STODDARD STATE MO	126	155	183	211	240
COUNTY TEXAS STATE MO	144	174	207	238	270
COUNTY WARREN STATE MO	144	174	207	238	270
COUNTY WASHINGTON STATE MO	144	174	207	238	270
COUNTY WAYNE STATE MO	126	155	183	211	240
COUNTY WRIGHT STATE MO	132	160	189	219	248

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION B	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL AREA OFFICE					
NON SMSA					
COUNTY ALBANY STATE WY	148	181	213	245	277
COUNTY BIG HORN STATE WY	155	189	222	256	289
COUNTY CAMPBELL STATE WY	148	181	213	245	277
COUNTY CARBON STATE WY	148	181	213	245	277
COUNTY CONVERSE STATE WY	148	181	213	245	277
COUNTY CROOK STATE WY	155	189	222	256	289
COUNTY FREMONT STATE WY	148	181	213	245	277
COUNTY GOSHEN STATE WY	148	181	213	245	277
COUNTY HOT SPRINGS STATE WY	155	189	222	256	289
COUNTY JOHNSON STATE WY	148	181	213	245	277
COUNTY LARAMIE STATE WY	207	243	286	329	372
COUNTY LINCOLN STATE WY	148	181	213	245	277
COUNTY NATRONA STATE WY	218	264	311	358	404
COUNTY NIOBRARA STATE WY	148	181	213	245	277
COUNTY PARK STATE WY	155	189	222	256	289
COUNTY PLATTE STATE WY	148	181	213	245	277
COUNTY SHERIDAN STATE WY	148	181	213	245	277
COUNTY SUBLETTE STATE WY	148	181	213	245	277
COUNTY SWEETWATER STATE WY	148	181	213	245	277
COUNTY TETON STATE WY	203	247	291	334	378
COUNTY Uinta STATE WY	148	181	213	245	277
COUNTY WASHAKIE STATE WY	155	189	222	256	289
COUNTY WESTON STATE WY	155	189	222	256	289
SMSA: COLORADO SPRINGS, CO					
COUNTY EL PASO STATE CO	177	216	254	292	330

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION	B	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL AREA OFFICE						
SMSA: COLORADO SPRINGS, CO						
COUNTY: TELLER		177	216	254	292	330
STATE: CO						
SMSA: DENVER-BOULDER, CO						
COUNTY: ADAMS		231	280	330	381	430
STATE: CO						
COUNTY: ARAPAHOE		231	280	330	381	430
STATE: CO						
COUNTY: BOULDER		231	280	330	381	430
STATE: CO						
COUNTY: DENVER		231	280	330	381	430
STATE: CO						
COUNTY: DOUGLAS		231	280	330	381	430
STATE: CO						
COUNTY: GILPIN		231	280	330	381	430
STATE: CO						
COUNTY: JEFFERSON		231	280	330	381	430
STATE: CO						
SMSA: FORT COLLINS, CO						
COUNTY: LARIMER		188	228	268	309	349
STATE: CO						
SMSA: GREELEY, CO						
COUNTY: WELD		174	211	249	286	324
STATE: CO						
SMSA: PUEBLO, CO						
COUNTY: PUEBLO		183	222	261	301	340
STATE: CO						
NON SMSA						
COUNTY: ALAMOSA		183	222	261	301	340
STATE: CO						
COUNTY: ARCHULETA		148	181	213	245	277
STATE: CO						
COUNTY: BACA		183	222	261	301	340
STATE: CO						
COUNTY: BENT		183	222	261	301	340
STATE: CO						
COUNTY: CHAFFEE		183	222	261	301	340
STATE: CO						
COUNTY: CHEYENNE		174	211	249	286	324
STATE: CO						
COUNTY: CLEAR CREEK		174	211	249	286	324
STATE: CO						
COUNTY: CONEJOS		183	222	261	301	340
STATE: CO						
COUNTY: COSTILLA		183	222	261	301	340
STATE: CO						
COUNTY: CROWLEY		183	222	261	301	340
STATE: CO						
COUNTY: CUSTER		183	222	261	301	340
STATE: CO						
COUNTY: DELTA		148	181	213	245	277
STATE: CO						

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL AREA OFFICE					
NON SMSA					
COUNTY DELORES STATE CO	148	181	213	245	277
COUNTY EAGLE STATE CO	148	181	213	245	277
COUNTY ELBERT STATE CO	174	211	249	286	324
COUNTY FREMONT STATE CO	183	222	261	301	340
COUNTY GARFIELD STATE CO	148	181	213	245	277
COUNTY GRAND STATE CO	174	211	249	286	324
COUNTY GUNNISON STATE CO	148	181	213	245	277
COUNTY HINSDALE STATE CO	148	181	213	245	277
COUNTY HUERFANO STATE CO	183	222	261	301	340
COUNTY JACKSON STATE CO	148	181	213	245	277
COUNTY KIOWA STATE CO	183	222	261	301	340
COUNTY KIT CARSON STATE CO	174	211	249	286	324
COUNTY LAKE STATE CO	174	211	249	286	324
COUNTY LA PLATA STATE CO	148	181	213	245	277
COUNTY LAS ANIMAS STATE CO	183	222	261	301	340
COUNTY LINCOLN STATE CO	183	222	261	301	340
COUNTY LOGAN STATE CO	174	211	249	286	324
COUNTY MESA STATE CO	220	268	315	362	410
SMSA: BISMARCK, N.D.					
COUNTY BURLEIGH STATE ND	194	227	271	315	343
COUNTY MORTON STATE ND	194	227	271	315	343
NON SMSA					
COUNTY MINERAL STATE CO	183	222	261	301	340
COUNTY MOFFAT STATE CO	148	181	213	245	277
COUNTY MONTEZUMA STATE CO	148	181	213	245	277
COUNTY MONTROSE STATE CO	148	181	213	245	277

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LOWER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL AREA OFFICE					
NON SMSA					
COUNTY MORGAN STATE CO	174	211	249	286	324
COUNTY OTERO STATE CO	183	222	261	301	340
COUNTY OURAY STATE CO	148	181	213	245	277
COUNTY PARK STATE CO	174	211	249	286	324
COUNTY PHILLIPS STATE CO	174	211	249	286	324
COUNTY PITKIN STATE CO	148	181	213	245	277
COUNTY PROWERS STATE CO	183	222	261	301	340
COUNTY RIO BLANCO STATE CO	148	181	213	245	277
COUNTY RIO GRANDE STATE CO	183	222	261	301	340
COUNTY ROUTT STATE CO	148	181	213	245	277
COUNTY SAGUACHE STATE CO	183	222	261	301	340
COUNTY SAN JUAN STATE CO	148	181	213	245	277
COUNTY SAN MIGUEL STATE CO	148	181	213	245	277
COUNTY SEDGWICK STATE CO	174	211	249	286	324
COUNTY SUMMIT STATE CO	174	211	249	286	324
COUNTY WASHINGTON STATE CO	174	211	249	286	324
COUNTY YUMA STATE CO	174	211	249	286	324
SMSA: FARGO-MOORHEAD, ND-MN					
COUNTY CASS STATE ND	189	216	282	326	348
SMSA: GRAND FORKS, N.D.-MN					
COUNTY GRAND FORKS STATE ND	189	227	271	315	343
NON SMSA					
COUNTY ADAMS STATE ND	151	179	228	256	279
COUNTY BARNES STATE ND	151	179	228	256	279
COUNTY BENSON STATE ND	151	179	228	256	279
COUNTY BILLINGS STATE ND	151	179	228	256	279

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL AREA OFFICE NON SMSA					
COUNTY, BOTTINEAU STATE: ND	151	179	228	256	279
COUNTY, BOWMAN STATE: ND	151	179	228	256	279
COUNTY, BURKE STATE: ND	151	179	228	256	279
COUNTY, CAVALIER STATE: ND	151	179	228	256	279
COUNTY, DICKEY STATE: ND	151	179	228	256	279
COUNTY, DIVIDE STATE: ND	151	179	228	256	279
COUNTY, DUNN STATE: ND	151	179	228	256	279
COUNTY, EDDY STATE: ND	151	179	228	256	279
COUNTY, EMMONS STATE: ND	151	179	228	256	279
COUNTY, FOSTER STATE: ND	151	179	228	256	279
COUNTY, GOLDEN VALLEY STATE: ND	151	179	228	256	279
COUNTY, GRANT STATE: ND	151	179	228	256	279
COUNTY, GRIGGS STATE: ND	151	179	228	256	279
COUNTY, HETTINGER STATE: ND	151	179	228	256	279
COUNTY, KIDDER STATE: ND	151	179	228	256	279
COUNTY, LA MOORE STATE: ND	151	179	228	256	279
COUNTY, LOGAN STATE: ND	151	179	228	256	279
COUNTY, MC HENRY STATE: ND	151	179	228	256	279
COUNTY, MCINTOSH STATE: ND	151	179	228	256	279
COUNTY, MCKENZIE STATE: ND	151	179	228	256	279
COUNTY, MCLEAN STATE: ND	167	189	244	267	295
COUNTY, MERCER STATE: ND	167	189	244	267	295
COUNTY, MOUNTAIN STATE: ND	151	179	228	256	279
COUNTY, NELSON STATE: ND	151	179	228	256	279

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION B	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL AREA OFFICE					
NON SMSA					
COUNTY OLIVER STATE ND	167	189	244	267	295
COUNTY PEMBINA STATE ND	151	179	228	256	279
COUNTY PIERCE STATE ND	151	179	228	256	279
COUNTY RAMSEY STATE ND	151	179	228	256	279
COUNTY RANSOM STATE ND	151	179	228	256	279
COUNTY RENVILLE STATE ND	151	179	228	256	279
COUNTY RICHLAND STATE ND	151	179	228	256	279
COUNTY ROLETTE STATE ND	151	179	228	256	279
COUNTY SARGENT STATE ND	151	179	228	256	279
COUNTY SHERIDAN STATE ND	151	179	228	256	279
COUNTY SIOUX STATE ND	151	179	228	256	279
COUNTY SLOPE STATE ND	151	179	228	256	279
COUNTY STARK STATE ND	167	189	244	267	295
COUNTY STEELE STATE ND	151	179	228	256	279
COUNTY STUTSMAN STATE ND	151	179	228	256	279
COUNTY TOWNER STATE ND	151	179	228	256	279
COUNTY TRAILL STATE ND	151	179	228	256	279
COUNTY WALSH STATE ND	151	179	228	256	279
COUNTY WARD STATE ND	162	189	244	310	343
COUNTY WELLS STATE ND	151	179	228	256	279
COUNTY WILLIAMS STATE ND	166	188	242	263	290
SMSA: BILLINGS, MT					
COUNTY YELLOWSTONE STATE MT	210	256	301	345	391
SMSA: GREAT FALLS, MT					
COUNTY CASCADE STATE MT	205	250	294	351	382
NON SMSA					
COUNTY BEAVERHEAD STATE MT	164	199	235	271	305

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 120 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL AREA OFFICE NON SMSA					
COUNTY: BIG HORN STATE: MT	155	189	222	256	289
COUNTY: BLAINE STATE: MT	155	189	222	256	289
COUNTY: BROADWATER STATE: MT	155	189	222	256	289
COUNTY: CARBON STATE: MT	155	189	222	256	289
COUNTY: CARTER STATE: MT	155	189	222	256	289
COUNTY: CHOUTEAU STATE: MT	155	189	222	256	289
COUNTY: CUSTER STATE: MT	155	189	222	256	289
COUNTY: DANIELS STATE: MT	165	201	237	272	308
COUNTY: DAWSON STATE: MT	155	189	222	256	289
COUNTY: DEER LODGE STATE: MT	164	199	235	271	305
COUNTY: FALLON STATE: MT	155	189	222	256	289
COUNTY: FERGUS STATE: MT	155	189	222	256	289
COUNTY: FLATHEAD STATE: MT	181	219	258	297	335
COUNTY: GALLATIN STATE: MT	213	259	305	351	397
COUNTY: GARFIELD STATE: MT	155	189	222	256	289
COUNTY: GLACIER STATE: MT	155	189	222	256	289
COUNTY: GOLDEN VALLEY STATE: MT	155	189	222	256	289
COUNTY: GRANITE STATE: MT	164	199	235	271	305
COUNTY: HILL STATE: MT	155	189	222	256	289
COUNTY: JEFFERSON STATE: MT	155	189	222	256	289
COUNTY: JUDITH BASIN STATE: MT	155	189	222	256	289
COUNTY: LAKE STATE: MT	164	199	235	271	305
COUNTY: LEWIS+ CLARK STATE: MT	232	282	332	382	432
COUNTY: LIBERTY STATE: MT	155	189	222	256	289

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 139 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION B	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL AREA OFFICE NON SMSA					
COUNTY LINCOLN STATE MT	164	199	235	271	305
COUNTY MCCONE STATE MT	155	189	222	256	289
COUNTY MADISON STATE MT	164	199	235	271	305
COUNTY MEAGHER STATE MT	155	189	222	256	289
COUNTY MINERAL STATE MT	164	199	235	271	305
COUNTY MISSOULA STATE MT	190	231	272	312	353
COUNTY MUSSELSHELL STATE MT	155	189	222	256	289
COUNTY PARK STATE MT	205	250	294	338	382
COUNTY PETROLEUM STATE MT	155	189	222	256	289
COUNTY PHILLIPS STATE MT	155	189	222	256	289
COUNTY PONDERA STATE MT	155	189	222	256	289
COUNTY POWDER RIVER STATE MT	155	189	222	256	289
COUNTY POWELL STATE MT	164	199	235	271	305
COUNTY PRAIRIE STATE MT	155	189	222	256	289
COUNTY RAVALLI STATE MT	164	199	235	271	305
COUNTY RICHLAND STATE MT	184	223	264	303	342
COUNTY ROOSEVELT STATE MT	165	201	237	272	308
COUNTY ROSEBUD STATE MT	155	189	222	256	289
COUNTY SANDERS STATE MT	164	199	235	271	305
COUNTY SHERIDAN STATE MT	165	201	237	272	308
COUNTY SILVER BOW STATE MT	164	199	235	271	305
COUNTY STILLWATER STATE MT	155	189	222	256	289
COUNTY SWEET GRASS STATE MT	155	189	222	256	289
COUNTY TETON STATE MT	155	189	222	256	289

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL AREA OFFICE					
NON SMSA					
COUNTY TOOLE STATE MT	155	189	222	256	289
COUNTY TREASURE STATE MT	155	189	222	256	289
COUNTY VALLEY STATE MT	155	189	222	256	289
COUNTY WHEATLAND STATE MT	155	189	222	256	289
COUNTY WILBAUX STATE MT	165	201	237	272	308
COUNTY YL-ST-NT-PK STATE MT	155	189	222	256	289
SMSA: PROVO-OREM, UT					
COUNTY UTAH STATE UT	174	211	249	286	324
SMSA: SALT LAKE CITY-OGDEN, UT					
COUNTY DAVIS STATE UT	188	228	268	309	349
COUNTY SALT LAKE STATE UT	188	228	268	309	349
COUNTY TOOELE STATE UT	188	228	268	309	349
COUNTY WEBER STATE UT	188	228	268	309	349
NON SMSA					
COUNTY BEAVER STATE UT	233	284	333	384	434
COUNTY BOX ELDER STATE UT	148	181	213	245	277
COUNTY CACHE STATE UT	148	181	213	245	277
COUNTY CARBON STATE UT	203	247	291	334	378
COUNTY DAGGETT STATE UT	148	181	213	245	277
COUNTY DUCHESNE STATE UT	148	181	213	245	277
COUNTY EMERY STATE UT	188	228	268	309	349
COUNTY GARFIELD STATE UT	233	284	333	384	434
COUNTY GRAND STATE UT	148	181	213	245	277
COUNTY IRON STATE UT	233	284	333	384	434
COUNTY JUAB STATE UT	148	181	213	245	277
COUNTY KANE STATE UT	233	284	333	384	434
COUNTY MILLARD STATE UT	148	181	213	245	277

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LOWER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL AREA OFFICE					
NON SMSA					
COUNTY MORGAN STATE UT	148	181	213	245	277
COUNTY PIUTE STATE UT	148	181	213	245	277
COUNTY RICH STATE UT	148	181	213	245	277
COUNTY SAN JUAN STATE UT	148	181	213	245	277
COUNTY SAN PETE STATE UT	148	181	213	245	277
COUNTY SEVIER STATE UT	148	181	213	245	277
COUNTY SUMMIT STATE UT	148	181	213	245	277
COUNTY UINTAH STATE UT	148	181	213	245	277
COUNTY WASATCH STATE UT	148	181	213	245	277
COUNTY WASHINGTON STATE UT	233	284	333	384	434
COUNTY WAYNE STATE UT	148	181	213	245	277
SMSA: RAPID CITY, S.D.					
COUNTY MEADE STATE SD	183	224	263	303	344
COUNTY PENNINGTON STATE SD	183	224	263	303	344
SMSA: SIOUX FALLS, SD					
COUNTY MINNEHAHA STATE SD	193	234	277	319	361
NON SMSA					
COUNTY AURORA STATE SD	164	200	236	272	309
COUNTY READE STATE SD	164	200	236	272	309
COUNTY BENNETT STATE SD	145	175	208	240	272
COUNTY FOW HOMME STATE SD	148	180	213	245	279
COUNTY BROOKINGS STATE SD	164	200	236	272	309
COUNTY BROWN STATE SD	165	201	238	274	311
COUNTY BRULE STATE SD	145	175	208	240	272
COUNTY BUFFALO STATE SD	145	175	208	240	272
COUNTY PUTTE STATE SD	163	199	234	270	306
COUNTY CAMPBELL STATE SD	145	175	208	240	272

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 120 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION B	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL AREA OFFICE NON SMSA					
COUNTY CHARLES MIX STATE SD	148	180	213	245	279
COUNTY CLARK STATE SD	145	175	208	240	272
COUNTY CLAY STATE SD	172	210	247	285	324
COUNTY CODINGTON STATE SD	145	175	208	240	272
COUNTY CORSON STATE SD	145	175	208	240	272
COUNTY CUSTER STATE SD	175	212	251	289	327
COUNTY DAVISON STATE SD	164	200	236	272	309
COUNTY DAY STATE SD	145	175	208	240	272
COUNTY DEUEL STATE SD	145	175	208	240	272
COUNTY DEWEY STATE SD	145	175	208	240	272
COUNTY DOUGLAS STATE SD	148	180	213	245	279
COUNTY EDMUNDS STATE SD	145	175	208	240	272
COUNTY FALL RIVER STATE SD	175	212	251	289	327
COUNTY FAULK STATE SD	145	175	208	240	272
COUNTY GRANT STATE SD	171	210	247	285	322
COUNTY GREGORY STATE SD	145	175	208	240	272
COUNTY HAAKON STATE SD	145	175	208	240	272
COUNTY HAMLIN STATE SD	145	175	208	240	272
COUNTY HAND STATE SD	164	200	236	272	309
COUNTY HANSON STATE SD	164	200	236	272	309
COUNTY HARDING STATE SD	145	175	208	240	272
COUNTY HUGHES STATE SD	195	238	281	324	366
COUNTY HUTCHINSON STATE SD	148	180	213	245	279
COUNTY HYDE STATE SD	145	175	208	240	272

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION	B	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL AREA OFFICE						
NON SPSA						
COUNTY JACKSON STATE SD		145	175	208	240	272
COUNTY JERARD STATE SD		164	200	236	272	309
COUNTY JONES STATE SD		145	175	208	240	272
COUNTY KINGSEURY STATE SD		164	200	236	272	309
COUNTY LAKE STATE SD		164	200	236	272	309
COUNTY LAWRENCE STATE SD		151	184	217	251	284
COUNTY LINCOLN STATE SD		164	200	236	272	309
COUNTY LYMAN STATE SD		145	175	208	240	272
COUNTY MCCOOK STATE SD		164	200	236	272	309
COUNTY MCPHERSON STATE SD		145	175	208	240	272
COUNTY MARSHALL STATE SD		145	175	208	240	272
COUNTY BELLETTE STATE SD		145	175	208	240	272
COUNTY MINER STATE SD		164	200	236	272	309
COUNTY MOODY STATE SD		164	200	236	272	309
COUNTY PERKINS STATE SD		145	175	208	240	272
COUNTY POTTER STATE SD		145	175	208	240	272
COUNTY ROBERTS STATE SD		145	175	208	240	272
COUNTY SANBORN STATE SD		164	200	236	272	309
COUNTY SHANNON STATE SD		145	175	208	240	272
COUNTY SPINK STATE SD		145	175	208	240	272
COUNTY STANLEY STATE SD		195	238	281	324	366
COUNTY SULLY STATE SD		145	175	208	240	272
COUNTY TODD STATE SD		145	175	208	240	272
COUNTY TRIPP STATE SD		145	175	208	240	272

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL AREA OFFICE					
NON SMSA					
COUNTY TURNER STATE SD	164	200	236	272	309
COUNTY UNION STATE SD	148	180	213	245	279
COUNTY WALWORTH STATE SD	160	194	229	265	299
COUNTY WASHAUGH STATE SD	145	175	208	240	272
COUNTY YANKTON STATE SD	148	180	213	245	279
COUNTY ZIEBACH STATE SD	145	175	208	240	272
REGION 9	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
HONOLULU, HAWAII AREA OFFICE					
SMSA: HONOLULU, HI					
COUNTY HONOLULU STATE HI	291	350	417	491	547
NON SMSA					
COUNTY HAWAII STATE HI	335	407	478	551	623
COUNTY KAUAI STATE HI	335	407	478	551	623
COUNTY MAUI STATE HI	335	407	478	551	623
COUNTY GUAM STATE	294	356	419	482	546

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LOWER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 9	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LOS ANGELES, CALIFORNIA AREA OFFICE					
SMAS: BAKERSFIELD, CA					
COUNTY: KERN	196	246	277	369	431
STATE: CA					
SMAS: LOS ANGELES-LONG BEACH, CA					
COUNTY: LOS ANGELES	241	291	343	427	509
STATE: CA					
SMAS: OXNARD-SIMI VALLEY-VENTURA, CA					
COUNTY: VENTURA	225	275	330	407	460
STATE: CA					
SMAS: SANTA BARBARA-SANTA MARIA-LOMPOC, CA					
COUNTY: SANTA BARBARA	237	288	372	429	484
STATE: CA					
NON SMAS					
COUNTY: SAN LUIS OBI	221	267	336	385	435
STATE: CA					
SMAS: PHOENIX, AZ					
COUNTY: MARICOPA	222	269	317	366	413
STATE: AZ					
NON SMAS					
COUNTY: APACHE	163	198	232	268	303
STATE: AZ					
COUNTY: COCONINO	170	200	280	340	385
STATE: AZ					
COUNTY: GILA	163	198	232	268	303
STATE: AZ					
COUNTY: MOHAVE	163	198	232	268	303
STATE: AZ					
COUNTY: NAUJO	163	198	232	268	303
STATE: AZ					
COUNTY: PINAL	163	198	232	268	303
STATE: AZ					
COUNTY: YAVAPAI	163	198	232	268	303
STATE: AZ					
COUNTY: YUMA	163	198	232	268	303
STATE: AZ					
SMAS: TUCSON, AZ					
COUNTY: PIMA	204	248	292	337	380
STATE: AZ					
NON SMAS					
COUNTY: COCHISE	163	198	232	268	303
STATE: AZ					
COUNTY: GRAHAM	163	198	232	268	303
STATE: AZ					
COUNTY: GREENLEE	163	198	232	268	303
STATE: AZ					
COUNTY: SANTA CRUZ	163	198	232	268	303
STATE: AZ					
SMAS: SAN DIEGO, CA					
COUNTY: SAN DIEGO	243	295	347	399	451
STATE: CA					
NON SMAS					
COUNTY: IMPERIAL	210	255	331	380	410
STATE: CA					

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES SMALLER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 9	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LOS ANGELES, CALIFORNIA AREA OFFICE					
SMSA: ANAHEIM-SANTA ANA-GARDEN GROVE, CA COUNTY ORANGE STATE CA	257	307	361	494	561
SMSA: RIVERSIDE-SAN BERNARDINO-ONTARIO, CA COUNTY RIVERSIDE STATE CA	228	270	318	404	472
COUNTY SAN BERNARDIN STATE CA	228	270	318	404	472
NON SMSA COUNTY INYO STATE CA	168	205	241	278	314
COUNTY MONO STATE CA	168	205	241	278	314
SAN FRANCISCO, CALIFORNIA AREA OFFICE					
SMSA: FRESNO, CA COUNTY FRESNO STATE CA	190	231	273	358	391
SMSA: MODESTO, CA COUNTY STANISLAUS STATE CA	207	229	279	380	414
NON SMSA COUNTY KINGS STATE CA	168	205	241	278	316
COUNTY MADERA STATE CA	168	205	241	335	370
COUNTY MARIPOSA STATE CA	177	216	274	352	410
COUNTY MERCED STATE CA	181	202	283	363	424
COUNTY TULARE STATE CA	199	226	291	382	424
SMSA: RENO, NV COUNTY WASHOE STATE NV	279	335	408	492	531
NON SMSA COUNTY CHURCHILL STATE NV	233	284	333	384	434
COUNTY DOUGLAS STATE NV	233	284	333	384	434
COUNTY ELKO STATE NV	233	284	333	384	434

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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REGION 9	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SAN FRANCISCO, CALIFORNIA AREA OFFICE					
NON SMSA					
COUNTY, ESMERALDA STATE, NV	212	257	313	369	408
COUNTY, EUREKA STATE, NV	212	257	313	369	408
COUNTY, HUMBOLDT STATE, NV	233	284	333	384	434
COUNTY, LANDER STATE, NV	233	284	333	384	434
COUNTY, LYON STATE, NV	233	284	333	384	434
COUNTY, MINERAL STATE, NV	233	284	333	384	434
COUNTY, NYE STATE, NV	212	257	313	369	408
COUNTY, ORMSLEY STATE, NV	233	284	333	384	434
COUNTY, PERSHING STATE, NV	233	284	333	384	434
COUNTY, STOREY STATE, NV	233	284	333	384	434
COUNTY, WHITE PINE STATE, NV	212	257	313	369	408
INDEP. CITY CARSON CITY STATE, NV	233	284	333	384	434
SMSA: SACRAMENTO, CA					
COUNTY, PLACER STATE, CA	199	241	284	326	369
COUNTY, SACRAMENTO STATE, CA	199	241	284	326	369
COUNTY, YOLO STATE, CA	199	241	284	326	369
SMSA: STOCKTON, CA					
COUNTY, SAN JOAQUIN STATE, CA	192	232	274	347	386
NON SMSA					
COUNTY, ALPINE STATE, CA	177	216	255	293	331
COUNTY, AMADOR STATE, CA	177	216	255	293	331
COUNTY, BUTTE STATE, CA	188	228	268	352	387
COUNTY, CALAVERAS STATE, CA	177	216	255	293	331
COUNTY, COLUSA STATE, CA	188	228	268	310	350
COUNTY, EL DORADO STATE, CA	188	228	268	310	350
COUNTY, GLENN STATE, CA	188	228	268	310	350
COUNTY, LASSEN STATE, CA	165	201	237	272	308

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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REGION 9	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SAN FRANCISCO, CALIFORNIA AREA OFFICE					
NON SMSA					
COUNTY: MODOC STATE: CA	165	201	237	272	308
COUNTY: NEVADA STATE: CA	188	228	268	310	350
COUNTY: PLUMAS STATE: CA	201	235	291	358	442
COUNTY: SHASTA STATE: CA	201	229	279	347	419
COUNTY: SIERRA STATE: CA	165	201	237	272	308
COUNTY: SISKIYOU STATE: CA	165	201	237	272	308
COUNTY: SUTTER STATE: CA	188	228	268	347	419
COUNTY: TEHAMA STATE: CA	165	201	237	272	308
COUNTY: TRINITY STATE: CA	165	201	237	272	308
COUNTY: TUOLUMNE STATE: CA	177	216	255	293	331
COUNTY: YUBA STATE: CA	188	228	268	310	350
SMSA: SALINAS-SEASIDE-MONTEREY, CA					
COUNTY: MONTEREY STATE: CA	215	275	325	433	471
SMSA: SAN FRANCISCO-OAKLAND, CA					
COUNTY: ALAMEDA STATE: CA	246	299	351	488	533
COUNTY: CONTRA COSTA STATE: CA	246	299	351	488	533
COUNTY: MARIN STATE: CA	246	299	351	488	533
COUNTY: SAN FRANCISCO STATE: CA	246	299	351	488	533
COUNTY: SAN MATEO STATE: CA	246	299	351	488	533
SMSA: SAN JOSE, CA					
COUNTY: SANTA CLARA STATE: CA	266	323	380	481	526
SMSA: SANTA CRUZ, CA					
COUNTY: SANTA CRUZ STATE: CA	204	246	313	437	503
SMSA: SANTA ROSA, CA					
COUNTY: SONOMA STATE: CA	212	246	329	425	481
SMSA: VALLEJO-FAIRFIELD-NAPA, CA					
COUNTY: NAPA STATE: CA	210	256	301	425	470
COUNTY: SOLANO STATE: CA	210	256	301	425	470
NON SMSA					
COUNTY: DEL NORTE STATE: CA	165	201	237	272	308

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 9	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SAN FRANCISCO, CALIFORNIA AREA OFFICE					
NON SMSA					
COUNTY: HUMBOLDT STATE: CA	207	246	291	380	419
COUNTY: LAKE STATE: CA	210	256	301	347	391
COUNTY: MENDOCINO STATE: CA	201	257	319	403	447
COUNTY: SAN BENITO STATE: CA	193	235	276	318	359
SMSA: LAS VEGAS, NV					
COUNTY: CLARK STATE: NV	239	289	341	392	443
NON SMSA					
COUNTY: LINCOLN STATE: NV	212	257	313	369	408
REGION 10	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANCHORAGE, ALASKA AREA OFFICE					
SMSA: ANCHORAGE, AK					
DISTRICT: ANCHORAGE STATE: AK	332	404	475	545	618
NON SMSA					
DISTRICT: ALEUTIAN I. STATE: AK	360	438	515	592	670
DISTRICT: ANGOON STATE: AK	332	404	515	592	670
DISTRICT: BARROW STATE: AK	557	614	696	776	847
DISTRICT: BETHEL STATE: AK	332	404	515	592	670
DISTRICT: BRISTOL B.B. STATE: AK	332	404	515	592	670
DISTRICT: BRISTOL BAY STATE: AK	332	404	515	592	670
DISTRICT: CORDOVA-MCCA STATE: AK	332	404	515	592	670
DISTRICT: FAIRBANKS STATE: AK	332	404	515	592	670
DISTRICT: HAINES STATE: AK	332	404	515	592	670
DISTRICT: JUNEAU STATE: AK	332	404	515	592	670
DISTRICT: KENAI-COOK STATE: AK	332	404	515	592	670

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANCHORAGE, ALASKA AREA OFFICE					
NON SWSA					
DISTRICT: KETCHIKAN STATE: AK	332	404	515	592	670
DISTRICT: KOBUK STATE: AK	332	404	515	592	670
DISTRICT: KODIAK STATE: AK	360	438	515	592	670
DISTRICT: KUSKOKWIM STATE: AK	332	404	515	592	670
DISTRICT: MATANUSKA-SU STATE: AK	332	404	515	592	670
DISTRICT: NOME STATE: AK	332	404	515	592	670
DISTRICT: OUTER KETCHIK STATE: AK	332	404	515	592	670
DISTRICT: PR. OF WALES STATE: AK	332	404	515	592	670
DISTRICT: SEWARD STATE: AK	332	404	515	592	670
DISTRICT: SITKA STATE: AK	332	404	515	592	670
DISTRICT: SHOGWY-YKTT STATE: AK	332	404	515	592	670
DISTRICT: SE FAIRBANKS STATE: AK	332	404	515	592	670
DISTRICT: UPPER YUKON STATE: AK	332	404	515	592	670
DISTRICT: VLDZ-CHTN-WH STATE: AK	360	438	515	592	670
DISTRICT: WADE HAMPTON STATE: AK	332	404	515	592	670
DISTRICT: WRNGLL-PTBR STATE: AK	332	404	515	592	670
DISTRICT: YKN-KCYKK STATE: AK	332	404	515	592	670

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1980

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PORTLAND, OREGON: AREA OFFICE					
SM/SA: BOISE CITY, ID					
COUNTY: ADA					
STATE: ID	202	229	287	315	347
NON SM/SA					
COUNTY: ADAMS					
STATE: ID	183	222	261	301	340
COUNTY: BANNOCK					
STATE: ID	203	247	291	334	378
COUNTY: BEAR LAKE					
STATE: ID	148	181	213	245	277
COUNTY: BENEWAH					
STATE: ID	181	219	258	297	335
COUNTY: BINGHAM					
STATE: ID	203	247	291	334	378
COUNTY: BLAINE					
STATE: ID	203	247	291	334	378
COUNTY: BOISE					
STATE: ID	183	222	261	301	340
COUNTY: BONNER					
STATE: ID	181	219	258	297	335
COUNTY: BONNEVILLE					
STATE: ID	203	247	291	334	378
COUNTY: BOUNDARY					
STATE: ID	181	219	258	297	335
COUNTY: BUTTE					
STATE: ID	203	247	291	334	378
COUNTY: CAMAS					
STATE: ID	203	247	291	334	378
COUNTY: CANYON					
STATE: ID	183	222	261	301	340
COUNTY: CARIBOU					
STATE: ID	203	247	291	334	378
COUNTY: CASSIA					
STATE: ID	203	247	291	334	378
COUNTY: CLARK					
STATE: ID	203	247	291	334	378
COUNTY: CLEARWATER					
STATE: ID	181	219	258	297	335
COUNTY: CUSTER					
STATE: ID	203	247	291	334	378
COUNTY: ELMORE					
STATE: ID	183	222	261	301	340
COUNTY: FRANKLIN					
STATE: ID	148	181	213	245	277
COUNTY: FREMONT					
STATE: ID	203	247	291	334	378
COUNTY: GEM					
STATE: ID	183	222	261	301	340
COUNTY: GOODING					
STATE: ID	203	247	291	334	378

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 120 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PORTLAND, OREGON AREA OFFICE					
NON SMSA					
COUNTY: IDAHO STATE: ID	181	219	258	297	335
COUNTY: JEFFERSON STATE: ID	203	247	291	334	378
COUNTY: JEROME STATE: ID	203	247	291	334	378
COUNTY: KOOTENAI STATE: ID	181	219	258	297	335
COUNTY: LATAH STATE: ID	191	219	259	271	305
COUNTY: LEMHI STATE: ID	203	247	291	334	378
COUNTY: LEWIS STATE: ID	181	219	258	297	335
COUNTY: LINCOLN STATE: ID	203	247	291	334	378
COUNTY: MADISON STATE: ID	203	247	291	334	378
COUNTY: MINIDOKA STATE: ID	203	247	291	334	378
COUNTY: NEZ PERCE STATE: ID	191	219	259	271	305
COUNTY: ONEIDA STATE: ID	148	181	213	245	277
COUNTY: OWYHEE STATE: ID	183	222	261	301	340
COUNTY: PAYETTE STATE: ID	183	222	261	301	340
COUNTY: POWER STATE: ID	203	247	291	334	378
COUNTY: SHOSHONE STATE: ID	181	219	258	297	335
COUNTY: TETON STATE: ID	203	247	291	334	378
COUNTY: TWIN FALLS STATE: ID	203	247	291	334	378
COUNTY: VALLEY STATE: ID	183	222	261	301	340
COUNTY: WASHINGTON STATE: ID	183	222	261	301	340
SMSA: EUGENE-SPRINGFIELD, OR					
COUNTY: LANE STATE: OR	194	220	264	335	398
SMSA: PORTLAND, OR-WA					
COUNTY: CLATSOP STATE: WA	210	260	295	370	405
COUNTY: CLACKAMAS STATE: OR	210	260	295	370	405
COUNTY: MULTNOMAH STATE: OR	210	260	295	370	405

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PORTLAND, OREGON AREA OFFICE					
SMSA: PORTLAND, OR-WA					
COUNTY: WASHINGTON	210	260	295	370	405
STATE: OR					
SMSA: SALEM, OR					
COUNTY: MARION	212	257	303	349	394
STATE: OR					
COUNTY: POLK	212	257	303	349	394
STATE: OR					
NON SMSA					
COUNTY: CLATSOP	165	201	237	272	308
STATE: WA					
COUNTY: SKAMANIA	165	201	237	272	308
STATE: WA					
COUNTY: BAKER	154	186	220	254	286
STATE: OR					
COUNTY: BENTON	212	257	303	349	394
STATE: OR					
COUNTY: CLATSOP	192	221	260	299	339
STATE: OR					
COUNTY: COLUMBIA	192	221	260	299	339
STATE: OR					
COUNTY: COOS	177	229	293	329	357
STATE: OR					
COUNTY: CROOK	182	221	260	299	339
STATE: OR					
COUNTY: CURRY	194	233	270	361	393
STATE: OR					
COUNTY: DESCHUTES	185	225	285	310	340
STATE: OR					
COUNTY: DOUGLAS	174	211	249	286	324
STATE: OR					
COUNTY: GILLIAM	154	186	220	254	286
STATE: OR					
COUNTY: GRANT	154	186	220	254	286
STATE: OR					
COUNTY: HARNEY	183	222	261	301	340
STATE: OR					
COUNTY: HOOD RIVER	165	201	237	272	308
STATE: OR					
COUNTY: JACKSON	174	211	249	286	324
STATE: OR					
COUNTY: JEFFERSON	185	225	285	310	340
STATE: OR					
COUNTY: JOSEPHINE	192	218	259	295	335
STATE: OR					
COUNTY: KLAMATH	174	211	249	286	324
STATE: OR					
COUNTY: LAKE	174	211	249	286	324
STATE: OR					
COUNTY: LINCOLN	212	257	303	349	394
STATE: OR					

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PORTLAND, OREGON AREA OFFICE					
NON SMSA					
COUNTY: LINN STATE: OR	212	257	303	349	394
COUNTY: WALHEUR STATE: OR	183	222	261	301	340
COUNTY: MORROW STATE: OR	154	186	220	254	286
COUNTY: SHERMAN STATE: OR	165	201	237	272	308
COUNTY: TILLAMOOK STATE: OR	192	221	260	299	339
COUNTY: UMATILLA STATE: OR	154	186	220	254	286
COUNTY: UNION STATE: OR	154	186	220	254	286
COUNTY: WALLOWA STATE: OR	154	186	220	254	286
COUNTY: WASCO STATE: OR	165	201	237	272	308
COUNTY: WHEELER STATE: OR	154	186	220	254	286
COUNTY: YAMHILL STATE: OR	179	223	279	338	410
SEATTLE, WASHINGTON AREA OFFICE					
SMSA: SEATTLE-EVERETT, WA					
COUNTY: KING STATE: WA	227	275	324	405	441
COUNTY: SNOHOMISH STATE: WA	227	275	324	405	441
SMSA: TACOMA, WA					
COUNTY: PIERCE STATE: WA	194	226	279	361	396
SMSA: YAKIMA, WA					
COUNTY: YAKIMA STATE: WA	154	186	220	254	286
NON SMSA					
COUNTY: CHELAN STATE: WA	184	242	306	389	441
COUNTY: CLALLAM STATE: WA	188	228	268	310	350
COUNTY: COWLITZ STATE: WA	188	248	279	384	414
COUNTY: DOUGLAS STATE: WA	184	242	306	389	441
COUNTY: GRAYS HARBOR STATE: WA	188	228	268	310	350
COUNTY: ISLAND STATE: WA	188	228	268	310	350
COUNTY: JEFFERSON STATE: WA	188	228	268	310	350

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SEATTLE, WASHINGTON AREA OFFICE					
NON SMSA					
COUNTY: KITSAP STATE: WA	207	246	296	415	492
COUNTY: KITTITAS STATE: WA	154	186	220	254	286
COUNTY: LEWIS STATE: WA	188	228	268	310	350
COUNTY: MASON STATE: WA	188	228	268	310	350
COUNTY: OKANOGAN STATE: WA	164	199	235	271	305
COUNTY: PACIFIC STATE: WA	188	228	268	310	350
COUNTY: SAN JUAN STATE: WA	188	228	268	310	350
COUNTY: SKAGIT STATE: WA	188	228	268	310	350
COUNTY: THURSTON STATE: WA	188	228	268	310	350
COUNTY: WAHKIAKUM STATE: WA	165	201	237	272	308
COUNTY: WHATCOM STATE: WA	195	222	268	386	432
SMSA: RICHLAND-KENNEWICK-PASCO, WA					
COUNTY: BENTON STATE: WA	202	247	301	386	435
COUNTY: FRANKLIN STATE: WA	202	247	301	386	435
SMSA: SPOKANE, WA					
COUNTY: SPOKANE STATE: WA	204	236	293	358	414
NON SMSA					
COUNTY: ADAMS STATE: WA	164	199	235	271	305
COUNTY: ASOTIN STATE: WA	175	207	295	354	391
COUNTY: COLUMBIA STATE: WA	164	199	235	271	305
COUNTY: FERRY STATE: WA	142	194	239	284	328
COUNTY: GARFIELD STATE: WA	164	199	235	271	305
COUNTY: GRANT STATE: WA	164	199	235	271	305
COUNTY: LINCOLN STATE: WA	164	199	235	271	305
COUNTY: PEND CREILLE STATE: WA	142	194	239	284	328
COUNTY: STEVENS STATE: WA	162	223	274	324	375
COUNTY: WALLA WALLA STATE: WA	162	223	313	397	425

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LOWER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SEATTLE, WASHINGTON AREA OFFICE NON SMSA COUNTY WHITMAN STATE WA	179	223	285	414	481

SCHEDULE D- FAIR MARKET RENTS FOR MOBILE HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
BOSTON, MASSACHUSETTS AREA OFFICE		
NON METRO STATE: MAINE	80	92
SMSA: LEWISTON-AUBURN, ME	62	62
SMSA: PORTLAND, ME	98	112
SMSA: LAWRENCE-HAVERHILL, MA-NH	N/A	N/A
SMSA: LOWELL, MA NH	N/A	N/A
SMSA: MANCHESTER, NH	82	90
SMSA: NASHUA, NH	97	97
NON METRO STATE: VERMONT	75	86
NON METRO STATE: MASSACHUSETTS	97	97
SMSA: BOSTON, MA	91	97
SMSA: BROCKTON, MA	91	91
SMSA: FALL RIVER, MA-RI	62	62
SMSA: FITCHBURG-LEOMINSTER, MA	74	74
SMSA: LAWRENCE-HAVERHILL, MA-NH	N/A	N/A
SMSA: LOWELL, MA NH	N/A	N/A
SMSA: NEW BEDFORD, MA	84	84
SMSA: PITTSFIELD, MA	91	91
SMSA: PROVIDENCE-WARWICK-PAWTUCKET, RI-MA	83	83
SMSA: SPRINGFIELD-CHICOPEE-HOLYOKE, MA-CT	72	72
SMSA: WORCESTER, MA	64	64
NON METRO STATE: RHODE ISLAND	80	80
SMSA: FALL RIVER, MA-RI	62	62
SMSA: NEW LONDON-NORWICH, CT-RI	83	83
SMSA: PROVIDENCE-WARWICK-PAWTUCKET, RI-MA	83	83
HARTFORD, CONNECTICUT AREA OFFICE		
NON METRO STATE: CONNECTICUT	90	90
SMSA: BRIDGEPORT, CT	112	112
SMSA: BRISTOL, CT	N/A	N/A
SMSA: DANBURY, CT	86	86
SMSA: HARTFORD, CT	97	97
SMSA: MERIDEN, CT	83	83
SMSA: NEW BRITAIN, CT	97	97
SMSA: NEW HAVEN-WEST HAVEN, CT	88	88
SMSA: NEW LONDON-NORWICH, CT-RI	83	83
SMSA: NORWALK, CT	N/A	N/A
SMSA: SPRINGFIELD-CHICOPEE-HOLYOKE, MA-CT	72	72
SMSA: STAMFORD, CT	N/A	N/A
SMSA: WATERBURY, CT	N/A	N/A
BUFFALO, NEW YORK AREA OFFICE		
NON METRO STATE: NEW YORK	86	86
SMSA: ALBANY-SCHENECTADY-TROY, NY	97	97
SMSA: BINGHAMTON, NY-PA	66	66
SMSA: BUFFALO, NY	86	86
SMSA: ELMIRA, NY	69	69
SMSA: ROCHESTER, NY	97	97
SMSA: SYRACUSE, NY	80	80
SMSA: UTICA-ROME, NY	74	74

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SCHEDULE D- FAIR MARKET RENTS FOR MOBILE HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
NEW YORK, NEW YORK AREA OFFICE		
NON METRO STATE: NEW YORK	86	86
SMSA: NASSAU-SUFFOLK, NY	N/A	N/A
SMSA: NEW YORK CITY, NY-NJ	N/A	N/A
SMSA: Poughkeepsie, NY	N/A	N/A
NON METRO STATE: NEW JERSEY		
SMSA: ALLENTOWN-BETHLEHEM-EASTON, PA-NJ	74	74
SMSA: ATLANTIC CITY, NJ	114	114
SMSA: JERSEY CITY, NJ	145	145
SMSA: LONG BRANCH-ASBURY PARK, NJ	136	137
SMSA: NEW BRUNSWICK-PERTH AMBOY-SAYREVILLE, NJ	176	177
SMSA: NEW YORK CITY, NY-NJ	N/A	N/A
SMSA: NEWARK, NJ	N/A	N/A
SMSA: PATERSON-CLIFTON-PASSAIC, NJ	156	157
SMSA: PHILADELPHIA, PA-NJ	91	91
SMSA: TRENTON, NJ	116	116
SMSA: VINELAND-MILLVILLE-BRIDGETON, NJ	102	102
SMSA: WILMINGTON, DE-NJ-MD	86	86
BALTIMORE, MARYLAND AREA OFFICE		
NON METRO STATE: DELAWARE	53	53
NON METRO STATE: MARYLAND	91	91
SMSA: BALTIMORE, MD	129	129
SMSA: WILMINGTON, DE-NJ-MD	84	84
PHILADELPHIA, PENNSYLVANIA AREA OFFICE		
NON METRO STATE: PENNSYLVANIA	53	53
SMSA: ALLENTOWN-BETHLEHEM-EASTON, PA-NJ	73	73
SMSA: BINGHAMTON, NY-PA	65	65
SMSA: HARRISBURG, PA	64	64
SMSA: LANCASTER, PA	69	69
SMSA: NORTHEAST, PA	58	58
SMSA: PHILADELPHIA, PA-NJ	89	89
SMSA: READING, PA	69	69
SMSA: WILLIAMSPORT, PA	53	53
SMSA: YORK, PA	69	69
SMSA: WILMINGTON, DE-NJ-MD	84	84
PITTSBURGH, PENNSYLVANIA AREA OFFICE		
NON METRO STATE: PENNSYLVANIA	53	53
SMSA: ALTOONA, PA	66	66
SMSA: ERIE, PA	66	66
SMSA: JOHNSTOWN, PA	66	66
SMSA: PITTSBURGH, PA	64	64
NON METRO STATE: WEST VIRGINIA	64	64
SMSA: CHARLESTON, WV	69	69
SMSA: HUNTINGTON-ASHLAND, WV-KY-OH	64	64
SMSA: PARKERSBURG-MARIETTA, WV-OH	64	64
SMSA: STEUBENVILLE-WEIRTON, OH-WV	55	55
SMSA: WHEELING, WV-OH	58	58

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SCHEDULE D- FAIR MARKET RENTS FOR MOBILE HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
RICHMOND, VIRGINIA AREA OFFICE		
NON METRO STATE: VIRGINIA	66	66
SMSA: JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA	64	64
SMSA: LYNCHBURG, VA	58	58
SMSA: NEWPORT NEWS-HAMPTON, VA	77	77
SMSA: NORFOLK-VIRGINIA BEACH-PORTSMOUTH, VA-NC	92	92
SMSA: PETERSBURG-COLONIAL HEIGHTS-HOPEWELL, VA	70	70
SMSA: RICHMOND, VA	90	90
SMSA: ROANOKE, VA	64	64
WASHINGTON, D.C. AREA OFFICE		
SMSA: WASHINGTON, DC-MD-VA	117	117
ATLANTA, GEORGIA AREA OFFICE		
NON METRO STATE: GEORGIA	48	48
SMSA: ALBANY, GA	42	44
SMSA: ATLANTA, GA	67	72
SMSA: AUGUSTA, GA-SC	62	64
SMSA: CHATTANOOGA, TN-GA	42	58
SMSA: COLUMBUS, GA-AL	68	74
SMSA: MACON, GA	43	47
SMSA: SAVANNAH, GA	53	58
BIRMINGHAM, ALABAMA AREA OFFICE		
NON METRO STATE: ALABAMA	52	57
SMSA: ANNISTON, AL	54	58
SMSA: BIRMINGHAM, AL	74	81
SMSA: COLUMBUS, GA-AL	68	74
SMSA: FLORENCE, AL	58	64
SMSA: GADSDEN, AL	54	58
SMSA: HUNTSVILLE, AL	74	81
SMSA: MOBILE, AL	59	65
SMSA: MONTGOMERY, AL	59	64
SMSA: TUSCALOOSA, AL	70	77
COLUMBIA, SOUTH CAROLINA AREA OFFICE		
NON METRO STATE: SOUTH CAROLINA	48	48
SMSA: AUGUSTA, GA-SC	62	64
SMSA: CHARLESTON, SC	58	58
SMSA: COLUMBIA, SC	53	58
SMSA: GREENVILLE-SPARTANBURG, SC	53	53
GREENSBORO, NORTH CAROLINA AREA OFFICE		
NON METRO STATE: NORTH CAROLINA	43	53
SMSA: ASHEVILLE, NC	58	69
SMSA: BURLINGTON, NC	58	69
SMSA: CHARLOTTE-GASTONIA, NC	58	69
SMSA: FAYETTEVILLE, NC	58	69
SMSA: GREENSBORO-WINSTON-SALEM-HIGH POINT, NC	58	69
SMSA: NORFOLK-VIRGINIA BEACH-PORTSMOUTH, VA-NC	92	92
SMSA: RALEIGH-DURHAM, NC	58	69
SMSA: WILMINGTON, NC	58	69

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	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
JACKSON, MISSISSIPPI AREA OFFICE		
NON METRO STATE: MISSISSIPPI	59	70
SMSA: BILOXI-GULFPORT, MS	69	80
SMSA: JACKSON, MS	74	90
SMSA: MEMPHIS, TN-AR-MS	69	69
SMSA: PASCAGOULA-MOSS POINT, MS	58	69
KNOXVILLE, TENNESSEE AREA OFFICE		
NON METRO STATE: TENNESSEE	48	48
SMSA: CHATTANOOGA, TN-GA	42	58
SMSA: CLARKSVILLE-HOPKINSVILLE, TN-KY	58	64
SMSA: JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA	64	64
SMSA: KNOXVILLE, TN	53	53
SMSA: MEMPHIS, TN-AR-MS	69	69
SMSA: NASHVILLE-DAVIDSON, TN	69	80
LOUISVILLE, KENTUCKY AREA OFFICE		
NON METRO STATE: KENTUCKY	55	61
SMSA: CINCINNATI, OH-KY-IN	80	83
SMSA: CLARKSVILLE-HOPKINSVILLE, TN-KY	58	64
SMSA: EVANSVILLE, IN-KY	53	57
SMSA: HUNTINGTON-ASHLAND, WV-KY-OH	64	64
SMSA: LEXINGTON-FAYETTE, KY	70	78
SMSA: LOUISVILLE, KY-IN	60	66
SMSA: OWENSBORO, KY	65	75
JACKSONVILLE, FLORIDA AREA OFFICE		
NON METRO STATE: FLORIDA	64	64
SMSA: BRADENTON, FL	90	90
SMSA: DAYTONA BEACH, FL	80	80
SMSA: FORT LAUDERDALE-HOLLYWOOD, FL	133	133
SMSA: FORT MYERS-CAPE CORAL, FL	85	85
SMSA: GAINESVILLE, FL	64	64
SMSA: JACKSONVILLE, FL	58	69
SMSA: LAKE LAND-WINTER HAVEN, FL	64	64
SMSA: MELBOURN-TITUSVILLE-COCOA, FL	74	74
SMSA: MIAMI, FL	106	106
SMSA: ORLANDO, FL	74	74
SMSA: PANAMA CITY, FL	64	64
SMSA: PENSACOLA, FL	64	64
SMSA: SARASOTA, FL	85	85
SMSA: TALLAHASSEE, FL	58	58
SMSA: TAMPA-ST PETERSBURG, FL	85	85
SMSA: WEST PALM BEACH-BOCA RATON, FL	106	106
CHICAGO, ILLINOIS AREA OFFICE		
NON METRO STATE: ILLINOIS	76	81
SMSA: BLOOMINGTON-NORMAL, IL	84	84
SMSA: CHAMPAIGN-URBANA-RANTOUL, IL	69	69
SMSA: CHICAGO, IL	151	162
SMSA: DAVENPORT-ROCK ISLAND-MOLINE, IA-IL	92	97
SMSA: DECATUR, IL	92	92
SMSA: KANKAKEE, ILLINOIS	67	67
SMSA: PEORIA, IL	124	135
SMSA: ROCKFORD, IL	122	130
SMSA: ST LOUIS, MO-IL	70	81
SMSA: SPRINGFIELD, IL	81	86

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	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
COLUMBUS, OHIO AREA OFFICE		
NON METRO STATE: OHIO	54	54
SMSA: AKRON, OH	81	81
SMSA: CANTON, OH	59	59
SMSA: CINCINNATI, OH-KY-IN	80	83
SMSA: CLEVELAND, OH	86	86
SMSA: COLUMBUS, OH	75	86
SMSA: DAYTON, OH	59	59
SMSA: HAMILTON-MIDDLETOWN, OH	65	67
SMSA: HUNTINGTON-ASHLAND, WV-KY-OH	64	64
SMSA: LIMA, OH	75	75
SMSA: LORAIN-ELYRIA, OH	92	92
SMSA: MANSFIELD, OH	70	70
SMSA: PARKERSBURG-MARIETTA, WV-OH	64	64
SMSA: SPRINGFIELD, OH	61	72
SMSA: STEUBENVILLE-WEIRTON, OH-WV	55	55
SMSA: TOLEDO, OH-MI	92	124
SMSA: WHEELING, WV-OH	58	58
SMSA: YOUNGSTOWN-WARREN, OH	70	70
DETROIT, MICHIGAN AREA OFFICE		
NON METRO STATE: MICHIGAN	81	90
SMSA: ANN ARBOR, MI	109	117
SMSA: BATTLE CREEK, MI	70	81
SMSA: BAY CITY, MI	82	85
SMSA: DETROIT, MI	106	114
SMSA: FLINT, MI	99	99
SMSA: GRAND RAPIDS, MI	75	80
SMSA: JACKSON, MI	81	81
SMSA: KALAMAZOO-PORTAGE, MI	85	88
SMSA: LANSING-EAST LANSING, MI	95	109
SMSA: MUSKEGON-NORTON SHORES-MUSKEGON HEIGHTS, MI	75	76
SMSA: SAGINAW, MI	86	86
SMSA: TOLEDO, OH-MI	92	124
INDIANAPOLIS, INDIANA AREA OFFICE		
NON METRO STATE: INDIANA	42	55
EXCEPTION COUNTY: BLACKFORD	49	55
EXCEPTION COUNTY: GRANT	49	55
EXCEPTION COUNTY: HENRY	49	55
EXCEPTION COUNTY: JAY	49	55
EXCEPTION COUNTY: RANDOLPH	49	55
EXCEPTION COUNTY: WAYNE	49	55
SMSA: ANDERSON, IN	48	48
SMSA: BLOOMINGTON, IN	45	45
SMSA: CINCINNATI, OH-KY-IN	80	83
SMSA: ELKHART, IN	62	62
SMSA: EVANSVILLE, IN-KY	56	60
SMSA: FORT WAYNE, IN	53	69
SMSA: GARY-HAMMOND-EAST CHICAGO, IN	74	85
SMSA: INDIANAPOLIS, IN	65	75
SMSA: KOKOMO, IN	62	68
SMSA: LAFAYETTE-WEST LAFAYETTE, IN	57	82
SMSA: LOUISVILLE, KY-IN	60	66
SMSA: MUNCIE, IN	46	51
SMSA: SOUTH BEND, IN	68	72
SMSA: TERRE HAUTE, IN	45	55
MILWAUKEE, WISCONSIN AREA OFFICE		
NON METRO STATE: WISCONSIN	65	70
SMSA: APPLETON-OSHKOSH, WI	81	86
SMSA: DULUTH-SUPERIOR, MN-WI	62	67
SMSA: EAU CLAIRE, WI	76	82
SMSA: GREEN BAY, WI	79	84
SMSA: JANESVILLE-BELOIT, WI	79	84
SMSA: KENOSHA, WI	84	89
SMSA: LA CROSSE, WI	72	78
SMSA: MADISON, WI	118	123
SMSA: MILWAUKEE, WI	92	97
SMSA: MINNEAPOLIS-ST PAUL, MN-WI	97	97
SMSA: RACINE, WI	85	91

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	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
MINNEAPOLIS-ST. PAUL, MINNESOTA AREA OFFICE		
NON METRO STATE: MINNESOTA	60	60
SMSA: DULUTH-SUPERIOR, MN-WI	62	67
SMSA: FARGO-MOORHEAD, ND-MN	86	97
SMSA: GRAND FORKS, N.D.-MN	75	92
SMSA: MINNEAPOLIS-ST PAUL, MN-WI	97	97
SMSA: ROCHESTER, MN	83	83
SMSA: ST. CLOUD, MN	75	75
DALLAS, TEXAS AREA OFFICE		
NON METRO STATE: TEXAS	51	62
SMSA: ABILENE, TX	44	50
SMSA: AMARILLO, TX	78	83
SMSA: BEAUMONT-PORT ARTHUR-ORANGE, TX	74	85
SMSA: BRYAN-COLLEGE STATION, TX	72	80
SMSA: DALLAS-FORT WORTH, TX	64	80
SMSA: EL PASO, TX	82	93
SMSA: GALVESTON-TEXAS CITY, TX	85	96
SMSA: HOUSTON, TX	90	105
SMSA: KILLEEN-TEMPLE, TX	74	80
SMSA: LONGVIEW-MARSHALL, TX	69	77
SMSA: LUBBOCK, TX	77	80
SMSA: MIDLAND, TX	80	85
SMSA: ODESSA, TX	80	85
SMSA: SAN ANGELO, TX	69	74
SMSA: SHERMAN-DENISON, TX	64	74
SMSA: TEXARKANA, TX-AR	80	90
SMSA: TYLER, TX	64	67
SMSA: WACO, TX	66	74
SMSA: WICHITA FALLS, TX	48	53
NON METRO STATE: NEW MEXICO	66	75
SMSA: ALBUQUERQUE, NM	74	85
LITTLE ROCK, ARKANSAS AREA OFFICE		
NON METRO STATE: ARKANSAS	31	34
SMSA: FAYETTEVILLE-SPRINGDALE, AR	49	51
SMSA: FORT SMITH, AR-OK	28	31
SMSA: LITTLE ROCK-NORTH LITTLE ROCK, AR	41	43
SMSA: MEMPHIS, TN-AR-MS	69	69
SMSA: PINE BLUFF, AR	23	25
SMSA: TEXARKANA, TX-AR	80	90
NEW ORLEANS, LOUISIANA AREA OFFICE		
NON METRO STATE: LOUISIANA	59	70
SMSA: ALEXANDRIA, LA	58	69
SMSA: BATON ROUGE, LA	69	80
SMSA: LAFAYETTE, LA	64	74
SMSA: LAKE CHARLES, LA	68	78
SMSA: MONROE, LA	58	69
SMSA: NEW ORLEANS, LA	72	83
SMSA: SHREVEPORT, LA	64	74
OKLAHOMA CITY, OKLAHOMA AREA OFFICE		
NON METRO STATE: OKLAHOMA	56	62
SMSA: FORT SMITH, AR-OK	28	31
SMSA: LAWTON, OK	57	64
SMSA: OKLAHOMA CITY, OK	59	66
SMSA: TULSA, OK	64	69

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	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
SAN ANTONIO, TEXAS AREA OFFICE		
NON METRO STATE: TEXAS	51	62
SMSA: AUSTIN, TX	72	85
SMSA: BROWNSVILLE-HARLINGEN-SAN BENITO, TX	58	69
SMSA: CORPUS CHRISTI, TX	62	80
SMSA: LAREDO, TX	53	64
SMSA: MC ALLEN-PHARR-EDINBURG, TX	68	80
SMSA: SAN ANTONIO, TX	58	69
KANSAS CITY, MISSOURI AREA OFFICE		
NON METRO STATE: KANSAS	59	65
SMSA: KANSAS CITY, MO-KS	71	86
SMSA: LAWRENCE, KS	60	66
SMSA: TOPEKA, KS	59	65
SMSA: WICHITA, KS	66	71
OMAHA, NEBRASKA AREA OFFICE		
NON METRO STATE: IOWA	65	70
SMSA: CEDAR RAPIDS, IA	75	86
SMSA: DAVENPORT-ROCK ISLAND-MOLINE, IA-IL	92	97
SMSA: DES MOINES, IA	79	84
SMSA: DUBUQUE, IA	75	86
SMSA: OMAHA, NE-IA	70	81
SMSA: SIOUX CITY, IA-NE	72	72
SMSA: WATERLOO-CEDAR FALLS, IA	75	86
NON METRO STATE: NEBRASKA	61	73
SMSA: LINCOLN, NE	80	84
SMSA: OMAHA, NE-IA	70	81
SMSA: SIOUX CITY, IA-NE	72	72
ST. LOUIS, MISSOURI AREA OFFICE		
NON METRO STATE: MISSOURI	47	52
SMSA: COLUMBIA, MO	65	70
SMSA: KANSAS CITY, MO-KS	71	86
SMSA: ST JOSEPH, MO	66	72
SMSA: ST LOUIS, MO-IL	70	81
SMSA: SPRINGFIELD, MO	49	53
DENVER, COLORADO REGIONAL AREA OFFICE		
NON METRO STATE: NORTH DAKOTA	72	82
SMSA: BISMARCK, N.D.	101	113
SMSA: FARGO-MOORHEAD, ND-MN	89	100
SMSA: GRAND FORKS, N.D.-MN	77	95
NON METRO STATE: SOUTH DAKOTA	61	72
SMSA: RAPID CITY, S.D.	85	96
SMSA: SIOUX FALLS, SD	85	96

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	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
DENVER, COLORADO REGIONAL AREA OFFICE		
NON METRO STATE: MONTANA	N/A	N/A
EXCEPTION COUNTY: BEAVERHEAD	85	96
EXCEPTION COUNTY: BIG HORN	85	96
EXCEPTION COUNTY: BLAINE	62	73
EXCEPTION COUNTY: BROADWATER	85	96
EXCEPTION COUNTY: CARBON	85	96
EXCEPTION COUNTY: CARTER	62	73
EXCEPTION COUNTY: CHOUTEAU	62	73
EXCEPTION COUNTY: CUSTER	85	96
EXCEPTION COUNTY: DANIELS	62	73
EXCEPTION COUNTY: DAWSON	85	96
EXCEPTION COUNTY: DEER LODGE	85	96
EXCEPTION COUNTY: FALLON	62	73
EXCEPTION COUNTY: FERGUS	62	73
EXCEPTION COUNTY: FLATHEAD	85	96
EXCEPTION COUNTY: GALLATIN	85	96
EXCEPTION COUNTY: GARFIELD	62	73
EXCEPTION COUNTY: GLACIER	62	73
EXCEPTION COUNTY: GOLDEN VALLE	62	73
EXCEPTION COUNTY: GRANITE	85	96
EXCEPTION COUNTY: HILL	62	73
EXCEPTION COUNTY: JEFFERSON	85	96
EXCEPTION COUNTY: JUDITH BASIN	62	73
EXCEPTION COUNTY: LAKE	85	96
EXCEPTION COUNTY: LEWIS+ CLARK	85	96
EXCEPTION COUNTY: LIBERTY	62	73
EXCEPTION COUNTY: LINCOLN	85	96
EXCEPTION COUNTY: MCCONE	62	73
EXCEPTION COUNTY: MADISON	85	96
EXCEPTION COUNTY: MEAGHER	85	96
EXCEPTION COUNTY: MINERAL	85	96
EXCEPTION COUNTY: MISSOULA	85	96
EXCEPTION COUNTY: MUSSELSHELL	85	96
EXCEPTION COUNTY: PARK	85	96
EXCEPTION COUNTY: PETROLEUM	62	73
EXCEPTION COUNTY: PHILLIPS	62	73
EXCEPTION COUNTY: PONDERA	62	73
EXCEPTION COUNTY: POWDER RIVER	85	96
EXCEPTION COUNTY: POWELL	85	96
EXCEPTION COUNTY: PRAIRIE	62	73
EXCEPTION COUNTY: RAVALLI	85	96
EXCEPTION COUNTY: RICHLAND	62	73
EXCEPTION COUNTY: ROOSEVELT	62	73
EXCEPTION COUNTY: ROSEBUD	85	96
EXCEPTION COUNTY: SANDERS	85	96
EXCEPTION COUNTY: SHERIDAN	62	73
EXCEPTION COUNTY: SILVER BOW	85	96
EXCEPTION COUNTY: STILLWATER	62	73
EXCEPTION COUNTY: SWEET GRASS	62	73
EXCEPTION COUNTY: TETON	62	73
EXCEPTION COUNTY: TOOLE	62	73
EXCEPTION COUNTY: TREASURE	85	96
EXCEPTION COUNTY: VALLEY	62	73
EXCEPTION COUNTY: WHEATLAND	62	73
EXCEPTION COUNTY: WIBAUX	62	73
EXCEPTION COUNTY: VL-ST-NT-PK	85	96
SMSA: BILLINGS, MT	107	119
SMSA: GREAT FALLS, MT	90	101
NON METRO STATE: WYOMING		
EXCEPTION COUNTY: ALBANY	85	102
EXCEPTION COUNTY: BIG HORN	85	102
EXCEPTION COUNTY: CAMPBELL	142	153
EXCEPTION COUNTY: CARBON	142	153
EXCEPTION COUNTY: CONVERSE	142	153
EXCEPTION COUNTY: CROOK	85	102
EXCEPTION COUNTY: FREMONT	142	153
EXCEPTION COUNTY: GOSHEN	85	102
EXCEPTION COUNTY: HOT SPRINGS	85	102
EXCEPTION COUNTY: JOHNSON	85	102
EXCEPTION COUNTY: LARAMIE	85	102
EXCEPTION COUNTY: LINCOLN	85	102
EXCEPTION COUNTY: NATRONA	142	153
EXCEPTION COUNTY: NIOBRARA	85	102
EXCEPTION COUNTY: PARK	85	102
EXCEPTION COUNTY: PLATTE	85	102
EXCEPTION COUNTY: SHERIDAN	142	153
EXCEPTION COUNTY: SUBLETTE	85	102
EXCEPTION COUNTY: SWEETWATER	142	153
EXCEPTION COUNTY: TETON	85	102
EXCEPTION COUNTY: UINTA	85	102
EXCEPTION COUNTY: WASHAKIE	85	102
EXCEPTION COUNTY: WESTON	85	102

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	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
DENVER, COLORADO REGIONAL AREA OFFICE		
NON METRO STATE: COLORADO	N/A	N/A
EXCEPTION COUNTY: ALAMOSA	73	85
EXCEPTION COUNTY: ARCHULETA	85	96
EXCEPTION COUNTY: BACA	73	85
EXCEPTION COUNTY: BENT	73	85
EXCEPTION COUNTY: CHAFFEE	85	96
EXCEPTION COUNTY: CHEYENNE	73	85
EXCEPTION COUNTY: CLEAR CREEK	85	96
EXCEPTION COUNTY: CONEJOS	73	85
EXCEPTION COUNTY: COSTILLA	73	85
EXCEPTION COUNTY: CROWLEY	73	85
EXCEPTION COUNTY: CUSTER	85	96
EXCEPTION COUNTY: DELTA	85	96
EXCEPTION COUNTY: DELORES	85	96
EXCEPTION COUNTY: EAGLE	136	153
EXCEPTION COUNTY: ELBERT	73	85
EXCEPTION COUNTY: FREMONT	85	96
EXCEPTION COUNTY: GARFIELD	136	153
EXCEPTION COUNTY: GRAND	85	96
EXCEPTION COUNTY: GUNNISON	85	96
EXCEPTION COUNTY: HINSDALE	85	96
EXCEPTION COUNTY: HUERFANO	73	85
EXCEPTION COUNTY: JACKSON	85	96
EXCEPTION COUNTY: KIOWA	73	85
EXCEPTION COUNTY: KIT CARSON	73	85
EXCEPTION COUNTY: LAKE	85	96
EXCEPTION COUNTY: LA PLATA	85	96
EXCEPTION COUNTY: LAS ANIMAS	73	85
EXCEPTION COUNTY: LINCOLN	73	85
EXCEPTION COUNTY: LOGAN	73	85
EXCEPTION COUNTY: MESA	85	96
EXCEPTION COUNTY: MINERAL	73	85
EXCEPTION COUNTY: MOFFAT	136	153
EXCEPTION COUNTY: MONTEZUMA	85	96
EXCEPTION COUNTY: MONTROSE	85	96
EXCEPTION COUNTY: MORGAN	73	85
EXCEPTION COUNTY: OTERO	73	85
EXCEPTION COUNTY: OURAY	85	96
EXCEPTION COUNTY: PARK	85	96
EXCEPTION COUNTY: PHILLIPS	73	85
EXCEPTION COUNTY: PITKIN	136	153
EXCEPTION COUNTY: PROWERS	73	85
EXCEPTION COUNTY: RIO BLANCO	136	153
EXCEPTION COUNTY: RIO GRANDE	73	85
EXCEPTION COUNTY: ROUTT	136	153
EXCEPTION COUNTY: SAGUACHE	73	85
EXCEPTION COUNTY: SAN JUAN	85	96
EXCEPTION COUNTY: SAN MIGUEL	85	96
EXCEPTION COUNTY: SEDGWICK	73	85
EXCEPTION COUNTY: SUMMIT	136	153
EXCEPTION COUNTY: WASHINGTON	73	85
EXCEPTION COUNTY: YUMA	73	85
SMSA: COLORADO SPRINGS, CO	90	101
SMSA: DENVER-BOULDER, CO	124	142
SMSA: FORT COLLINS, CO	85	96
SMSA: GREELEY, CO	85	96
SMSA: PUEBLO, CO	85	96
NON METRO STATE: UTAH		
EXCEPTION COUNTY: BEAVER	62	73
EXCEPTION COUNTY: BOX ELDER	62	73
EXCEPTION COUNTY: CACHE	62	73
EXCEPTION COUNTY: CARBON	85	96
EXCEPTION COUNTY: DAGGETT	62	73
EXCEPTION COUNTY: DUCHESNE	62	73
EXCEPTION COUNTY: EMERY	85	96
EXCEPTION COUNTY: GARFIELD	62	73
EXCEPTION COUNTY: GRAND	85	96
EXCEPTION COUNTY: IRON	62	73
EXCEPTION COUNTY: JUAB	62	73
EXCEPTION COUNTY: KANE	62	73
EXCEPTION COUNTY: MILLARD	62	73
EXCEPTION COUNTY: MORGAN	62	73
EXCEPTION COUNTY: PIUTE	62	73
EXCEPTION COUNTY: RICH	62	73
EXCEPTION COUNTY: SAN JUAN	62	73
EXCEPTION COUNTY: SANPETE	62	73
EXCEPTION COUNTY: SEVIER	62	73
EXCEPTION COUNTY: SUMMIT	62	73
EXCEPTION COUNTY: Uintah	85	96
EXCEPTION COUNTY: WASATCH	62	73
EXCEPTION COUNTY: WASHINGTON	62	73
EXCEPTION COUNTY: WAYNE	62	73
SMSA: PROVO-OREM, UT	85	96
SMSA: SALT LAKE CITY-OGDEN, UT	96	107

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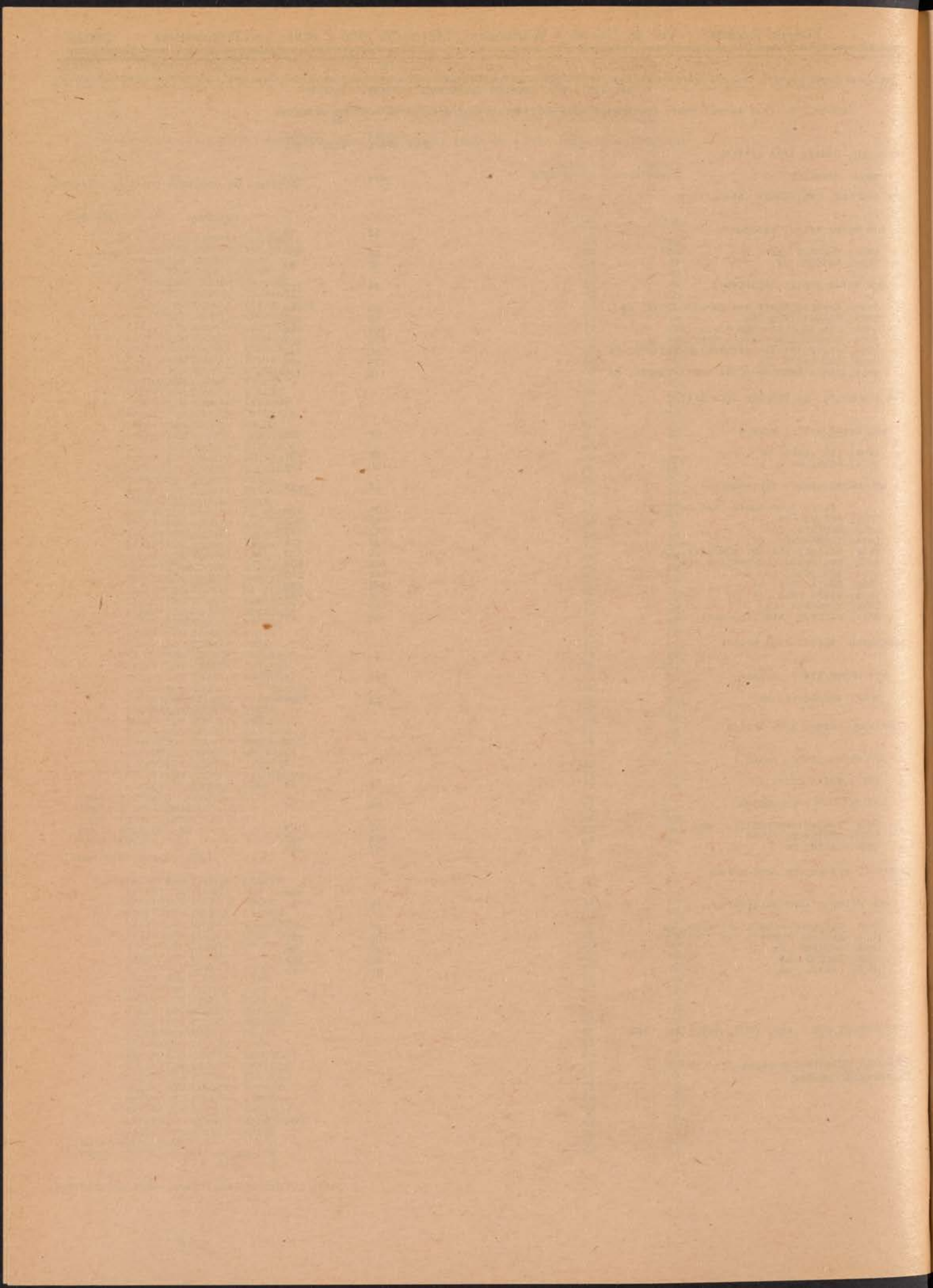
SCHEDULE D- FAIR MARKET RENTS FOR MOBILE HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
HONOLULU, HAWAII AREA OFFICE		
SMSA: HONOLULU, HI	N/A	N/A
LOS ANGELES, CALIFORNIA AREA OFFICE		
NON METRO STATE: ARIZONA	62	79
SMSA: PHOENIX, AZ	85	101
SMSA: TUCSON, AZ	62	85
NON METRO STATE: CALIFORNIA	96	125
SMSA: ANAHEIM-SANTA ANA-GARDEN GROVE, CA	186	186
SMSA: BAKERSFIELD, CA	90	135
SMSA: LOS ANGELES-LONG BEACH, CA	107	176
SMSA: OXNARD-SIMI VALLEY-VENTURA, CA	119	204
SMSA: RIVERSIDE-SAN BERNARDINO-ONTARIO, CA	90	142
SMSA: SAN DIEGO, CA	135	170
SMSA: SANTA BARBARA-SANTA MARIA-LOMPOC, CA	113	170
SAN FRANCISCO, CALIFORNIA AREA OFFICE		
NON METRO STATE: NEVADA	68	79
SMSA: LAS VEGAS, NV	142	158
SMSA: RENO, NV	130	153
NON METRO STATE: CALIFORNIA	96	125
EXCEPTION COUNTY: SAN LUIS OBI	109	136
SMSA: FRESNO, CA	135	153
SMSA: MODESTO, CA	142	153
SMSA: SACRAMENTO, CA	110	132
SMSA: SALINAS-SEASIDE-MONTEREY, CA	135	170
SMSA: SAN FRANCISCO-OAKLAND, CA	142	204
SMSA: SAN JOSE, CA	142	210
SMSA: SANTA CRUZ, CA	135	170
SMSA: SANTA ROSA, CA	135	164
SMSA: STOCKTON, CA	142	153
SMSA: VALLEJO-FAIRFIELD-NAPA, CA	130	147
ANCHORAGE, ALASKA AREA OFFICE		
NON METRO STATE: ALASKA	148	148
SMSA: ANCHORAGE, AK	145	145
PORTLAND, OREGON AREA OFFICE		
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SMSA: BOISE CITY, ID	78	89
NON METRO STATE: OREGON	91	96
SMSA: EUGENE-SPRINGFIELD, OR	107	109
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March 26, 1980

Part VII

Department of Health, Education, and Welfare

Public Health Service

Health Systems Agency and State Health
Planning and Development Agency
Reviews—Certificate of Need Programs

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE****Public Health Service****42 CFR Parts 122 and 123****Health Systems Agency and State
Health Planning and Development
Agency Reviews-Certificate of Need
Programs****AGENCY:** Public Health Service, HEW.**ACTION:** Notice of proposed rulemaking.

SUMMARY: The Assistant Secretary for Health, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend the regulations governing certificate of need reviews by State health planning and development agencies (State Agencies) and health systems agencies (HSAs). The proposed regulations would implement amendments to the Public Health Service Act made by the Health Planning and Resources Development Amendments of 1979 (Pub. L. 96-79). Under the amended provisions of the Public Health Service Act, the planning agencies are required to review and determine the need for proposed capital expenditures, institutional health services and major medical equipment. These regulations set forth proposed requirements for satisfactory certificate of need programs. Interested persons are invited to submit written comments and recommendations concerning these proposed rules, as well as suggestions for alternative methods of implementing any of the provisions of the amendments that affect the requirements for certificate of need programs. The Secretary has concluded that these regulations are policy significant.

DATE: The Secretary will consider comments received on or before May 27, 1980.

ADDRESS: Interested persons may submit written comments and recommendations on the proposed regulations to: Colin C. Rorrie, Jr., Ph. D., Director, Bureau of Health Planning, 3700 East-West Highway, Room 6-22, Hyattsville, Maryland 20782.

All comments received in timely response to this document will be considered and will be available for public inspection at the above address between the hours of 8:30 a.m. and 5 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Carol M. Larson, Chief, Certification Programs Branch, Division of Regulatory Activities, Bureau of Health Planning, 3700 East-West Highway, Room 6-50,

Hyattsville, Maryland 20782, (301) 436-6140.

SUPPLEMENTARY INFORMATION: The present regulations governing certificate of need programs (42 CFR 122.301 *et seq.* and 123.401 *et seq.*, 44 FR 19315-26) are proposed to be revised to implement recent changes to Title XV of the Public Health Service Act ("the Act") that affect the requirements for those programs.

These changes were enacted by the Health Planning and Resources Development Amendments of 1979 (Pub. L. 96-79).

Under section 1523(a)(4)(B) of the Act, as amended, State Agencies are required to administer certificate of need programs which (1) apply to the obligation of capital expenditures, the offering of new institutional health services, and the acquisition of major medical equipment, and (2) are consistent with standards established by the Secretary by regulation. Given the changes to the statutory requirements for these programs under Title XV of the Act, it is necessary that the Secretary revise the present regulations to permit States to comply with the amended statute.

The changes made by Pub. L. 96-79 to the existing certificate of need program are primarily technical in nature. The basic requirements for satisfactory certificate of need programs, which were established by the National Health Planning and Resources Development Act of 1974, have been retained. Building on the structure of the existing certificate of need program, these statutory amendments (1) expand the procedural requirements, (2) add several criteria to those that health planning agencies must consider in their review of applications, and (3) clarify, with some changes, the projects for which certificate of need approval must be obtained. Accordingly, the Secretary believes the economic impact of the regulations implementing these statutory changes will be minimal.

On February 22, 1980, the Secretary published in the *Federal Register* a Notice which included information to assist State legislatures in the development of certificate of need legislation (see 45 FR 12174). The Secretary provided guidance at that time because many legislatures have a limited amount of time during which new legislation may be introduced and enacted. In the February 22 Notice, the Secretary suggested that State legislatures begin to develop (or revise) their certificate of need legislation on the basis of the statutory language of Pub. L. 96-79 and the material provided

in that Notice. The Secretary also stated in that Notice an intention to publish regulations in interim final form within a few weeks, believing that final regulations would best aid State legislatures in enacting or revising their certificate of need statutes. However, after the Notice was published, many individuals and groups were vocal in their concerns about this course of action and argued that final regulations should not be adopted (even if subject to public comment and possible revision) without a prior public comment period. Accordingly, the Secretary has decided that the public interest will be better served by allowing public comment on these proposed rules before issuing final regulations.

The Secretary recognizes that the publication at this time of proposed, rather than final, rules does not provide State legislatures with definitive guidance on how the statutory provisions will be interpreted. Accordingly, she repeats the suggestion made in the February 22 Notice that States develop or revise their certificate of need legislation on the basis of the statutory language of Pub. L. 96-79 (set out in Appendix II of the February 22 Notice) and leaves their State Agencies sufficient administrative flexibility to comply with the Department's final regulations. For example, at least one State legislature has enacted a certificate of need bill that incorporates some of the Federal statutory provisions and authorizes the State Agency to adopt regulations to implement the certificate of need program. Another approach would be for the State legislatures to incorporate the Federal statute by reference and either do the same for the forthcoming Federal regulations or, as suggested above, permit the State Agency to take the necessary action to comply with those regulations.

States Agencies are required, among other things, to administer satisfactory certificate of need programs in order to be fully designated under section 1521(b)(3) of the Act. The continued eligibility of the State and of entities within the State for certain Federal health funding depends on there being a fully designated State Agency by a date determined by the State's legislative schedule. This date, hereafter referred to as the "effective date," is for most States one year after the start of the first State legislative session which begins after October 4, 1979, so that this effective date for most States will be in January, 1981. For some States, however, the effective date may be as early as October 4, 1980.

There have been, over time, several statutory and regulatory amendments modifying the requirements for satisfactory certificate of need programs, each amendment with its own effective dates. Because of the confusion which this may engender, the Secretary has attached to this document an Appendix (substantially the same as Appendix I of the February 22 Notice) which describes each set of requirements, discusses how they are related to each other, and explains how these requirements relate to requirements for designation of State Agencies under section 1521 of the Act. In particular, the Appendix discusses in detail requirements for full designation before a State's effective date.

When Title XV of the Act was originally enacted by Pub. L. 93-641 in 1975, Congress provided that in addition to reviews under certificate of need programs (section 1523(a)(4)(B) of the Act), State Agencies were authorized to conduct other reviews of new institutional health services (section 1523(a)(5)). These latter reviews were to be in substance and procedures the same as certificate of need reviews, except that they could be performed before a State had authority under State law to impose sanctions against an applicant who proceeded to offer a new institutional health service without a certificate of need. Because all States will have this authority when they comply with the certificate of need regulations, there is no need to refer in these proposed regulations to reviews under section 1523(a)(5). Accordingly, the Secretary has deleted all such references from the proposed regulations.

This document proposes to revise the regulations for both HSA and State Agency reviews under certificate of need programs (Part 122, Subpart D, and Part 123, Subpart E, respectively). Except where otherwise noted, discussion in this Preamble of provisions in the State Agency regulations applies to HSA reviews as well. Where feasible, the HSA regulations are proposed to be shortened by replacing repetitive provisions with appropriate cross-references to the State Agency regulations.

Set forth below is a summary of the major proposed changes to the regulations. In addition to the changes noted, the Secretary has proposed a number of editorial and conforming changes necessary to comply with either the amended provisions of the statute or the drafting principles of the Department's Operation Common Sense.

In this regard, the Secretary invites public suggestions on how the regulations can be further simplified and clarified.

Definition of Health Care Facilities (§ 123.401)

To be reviewable, "capital expenditures" must be made by or on behalf of health care facilities. Similarly, health services are reviewable if they are provided in or through health care facilities. The amended Act, at section 1531(5), specifies that the definition of "health care facility" must include, at a minimum, public and private hospitals, nursing homes, and rehabilitation facilities. The Secretary proposes to define "health care facilities" to mean public and private hospitals, rehabilitation facilities, intermediate care facilities and skilled nursing facilities, ambulatory surgical facilities, and kidney disease treatment centers. This definition would add rehabilitation facilities (required by the amended statute), to the definition of health care facility used in the present certificate of need regulations. States may require reviews of proposals by other facilities if they wish to do so (but see § 123.405 of the proposed regulations for limitations on coverage of health maintenance organizations (HMOs) and facilities of HMOs, and § 123.401, proposing to exclude Christian Science sanatoriums).

Scope of Certificate of Need Review Programs (§ 123.404)

Section 1523(a)(4)(B) of the Act has been revised and now requires each State Agency to administer a State certificate of need program which applies to the obligation of capital expenditures, the offering of new institutional health services, and the acquisition of major medical equipment. Under the Act, the State Agency, after considering the recommendations of the appropriate HSA, must review and determine the need for proposed obligations, offerings, and acquisitions. Section 1527 of the Act sets out further requirements for these programs. Section 1531 of the Act contains statutory definitions, and section 1532 deals with required review procedures and criteria. Details of the proposed regulations implementing the statutory requirements for coverage of certificate of need proposals are as follows:

A. Capital Expenditures that Exceed the Expenditure Minimum (§ 123.404(a)(1))

Existing certificate of need regulations require that capital expenditures by or on behalf of a health care facility in excess of \$150,000 be subject to

certificate of need review. The amended Act requires (at section 1531(6)(B)(ii)(I)) that capital expenditures in excess of the "expenditure minimum be reviewed." Section 1531(6)(B)(ii)(I) further specifies that the expenditure minimum (presently \$150,000) may, at the State's discretion, be adjusted annually to reflect the change in an index maintained or developed by the Department of Commerce and designated by the Secretary in regulation to make this adjustment. (See the definition of "expenditure minimum" at § 123.401.) The Secretary is proposing to designate the Department of Commerce Composite Construction Cost Index as the index to be used to adjust the expenditure minimum for capital expenditures, and would advise the State Agencies annually of the change in that index.

B. Bed Capacity (§ 123.404(a)(2))

The Act as amended specifies that any capital expenditure which "substantially changes the bed capacity" of a health care facility is subject to certificate of need review. (See section 1531(6)(B)(ii)(II).) The Secretary is proposing to define a capital expenditure which "substantially changes the bed capacity" of a facility as a capital expenditure which increases or decreases the total number of beds (or distributes beds among various categories, or relocates beds from one physical facility or site to another) by ten beds or ten percent. This definition retains the existing requirement of § 123.404(a)(3) that increases of more than ten beds or ten percent, whichever is less, over a two-year period, must be reviewed, and uses the same standard of ten beds or ten percent for bed decreases. However, unlike the present regulations, the proposed regulations require reviews of these bed changes only when they result from a capital expenditure.

C. Health Services (§ 123.404(a)(3))

Whereas in existing certificate of need regulations only additions of health services are subject to certificate of need review, the Secretary is now proposing to require that additions and terminations of health services must in certain cases be reviewed. In general, (1) the addition of a new service would be required to be reviewed if it constitutes the offering of a new "institutional health service" as defined by section 1531(5), and (2) a capital expenditure would be required to be reviewed if it "substantially changes the services of a facility" (see section 1531(6)(B)(ii)(III)).

Section 1531(5) defines an "institutional health service" as a health service which is provided through a health care facility and which entails an annual operating cost of at least the "expenditure minimum" (presently \$75,000, which figure may be adjusted at the State's option on a yearly basis using an index designated by the Secretary; see the definition of this term at § 123.401). The Secretary is proposing to define a "health service" as a clinically related (i.e., diagnostic, treatment or rehabilitative) service. In addition, the Secretary is proposing to define the offering of a new institutional health service as the addition of a health service not provided in or through the facility within the previous twelve months. Because administrative services and other non-clinical services are not "health services," the offering of these non-clinically related services would not be required to be subject to review as an "institutional health service," although it may be reviewable if it results from a capital expenditure exceeding the expenditure minimum. The index to be used to adjust the operating cost expenditure minimum for institutional health services has not been proposed in these regulations. The Secretary is currently considering which index would be most suitable for this purpose and invites public comment on this matter. The index selected will be designated by regulation.

The Secretary is proposing to define a capital expenditure which "substantially changes the services of a facility" as any capital expenditure which results in the addition of a clinically related service not provided in or through the facility within the previous twelve months, or the termination of a service which had previously been provided in or through the facility.

In summary, the Secretary proposes to require certificate of need coverage of health services as follows:

(1) The addition of a health service must be reviewed if it either results from a capital expenditure (in any amount) or entails an annual operating cost of at least \$75,000.

(2) The termination of a health service must be reviewed if it results from a capital expenditure (in any amount).

A State may, of course, impose stricter coverage requirements and subject a health service to certificate of need review regardless of whether it involves a capital expenditure or an annual operating cost of at least \$75,000. In addition, a State may broaden its definition of "health service" to include services which are not clinically related.

D. Major Medical Equipment (§ 123.404(a)(4))

The Act, as amended, requires certificate of need coverage of major medical equipment. (Section 1527(e).) Major medical equipment not located in or owned by a health care facility must be reviewed if the equipment will be used to provide services for inpatients of a hospital.

The Secretary is proposing in these regulations that equipment need not be subject to review if it is intended to be used to provide services to inpatients of a hospital only on an occasional and irregular basis. This approach recognizes that under certain circumstances major medical equipment which does not ordinarily serve inpatients of a hospital may be diverted for a period of time to provide services for inpatients of a hospital. These circumstances may arise as a result of natural disasters, major accidents, or equipment failures. Other situations in which use of the equipment for hospital inpatients is both occasional and irregular would also be permitted without a certificate of need. Thus, a State program which proposes to exempt from review equipment which will serve inpatients on the basis of a specific maximum percentage or number of procedures to inpatients would not be satisfactory because it would not satisfy the limitation that the use also be irregular.

In addition to major medical equipment to be owned by or located in a health care facility or for inpatient use, a certificate of need will be required where a person fails to file a notice of intent to acquire the equipment at least 30 days before entering into a contract to do so. (Section 1527(e)(2).)

Under section 1527(e)(1)(B), a State program may have coverage of major medical equipment broader than that described above, if it adopts the broader coverage by September 30, 1982. Any State which acts by that date to broaden this coverage may retain the broader coverage.

E. Acquisitions of Existing Facilities (§ 123.404(a)(5))

The amended Act specifies (at section 1527(d)) that acquisitions of existing health care facilities need only be reviewed if a notice of intent is not filed, or if the acquisition will result in a change in the services or bed capacity of the facility to be acquired. The Secretary notes that States may, if they choose, cover additional (or all) acquisitions of health care facilities, in which case, because a regular certificate of need would be required, a notice of intent would not be required. States might

consider extending their coverage to all acquisitions if they believe that acquisitions may be likely to lead to higher health care costs for consumers and third-party payors. In addition, capital expenditures for acquisitions of health care facilities are reviewable under section 1122 of the Social Security Act in States that participate in the section 1122 program.

F. Subsequent Reviews (§ 123.404(d))

The Secretary is proposing to require subsequent reviews under certain circumstances. The proposed regulations specify that after a certificate of need is granted for a capital expenditure which exceeds the expenditure minimum or substantially changes the services or bed capacity of a health care facility, if the facility proposes to change an approved activity within one year after the date that activity is undertaken, the change in the activity must be reviewed. Examples of this required coverage are listed at § 123.404(d)(1) of these proposed regulations. This section would not prevent a State from covering proposed changes to approved activities that are made beyond the one year period. State law may, of course, provide for a period longer than one year. In addition, State law may permit the State Agency to cover subsequent changes to approved projects that are made in an attempt to avoid certificate of need review.

The Secretary is also proposing to require subsequent reviews under certain circumstances if a person acquires major medical equipment not located in a health care facility or acquires an existing health care facility without obtaining a certificate of need, after filing the notice of intent required by § 123.406(a) or (b). Specifically, under the proposed regulations, if a person who acquired major medical equipment proposes at any time to use that equipment to serve inpatients of a hospital (on more than an occasional and irregular basis), the proposed change in service must be reviewed. Similarly, if a person acquired an existing health care facility after filing a notice of intent and proposes to change within one year of the acquisition (or any longer period of time established under the State program) the services or bed capacity of the facility, the proposed change must be reviewed.

G. Refinancing Activities

While refinancing activities are not separately described in the regulations, a certificate of need may be required when a health care facility refinances an existing debt. Certain costs may be incurred when a debt is refinanced, e.g., underwriters' expenses, attorneys' fees,

and printing costs. If these costs are capital expenditures, as defined in § 123.401 of the proposed regulations, and exceed the expenditure minimum, a certificate of need would be required before the facility (or a person acting on its behalf) incurs an obligation for the capital expenditure. A health care facility might seek financing both to refinance existing debt and to fund new activities. For a capital expenditure which is only for refinancing of existing debt and will result in a net savings to the facility, the Secretary encourages State Agencies and HSAs to conduct expedited reviews of the expenditure (which may require obtaining an exception, under § 123.411, to required procedures). If the capital expenditure will include financing of new activities, the State Agency would be required to conduct standard reviews under § 123.404 or § 123.405 to the extent that these new activities result in the "obligation of capital expenditures, offering of institutional health services, or acquisition of major medical equipment."

Health Maintenance Organizations (HMOs) (§ 123.405)

The Secretary is proposing to add a new section, § 123.405, "Health Maintenance Organizations (HMOs)," to the regulations because of significant changes made by the 1979 Amendments with respect to coverage of HMOs and certain HMO facilities. In addition to changes in coverage, section 1527(b) of the Act states conditions which, if met, require the State to exempt projects from review. Although separate coverage of HMOs is no longer required (and in fact is not permitted), under the proposed regulations coverage of (1) activities undertaken by or on behalf of an inpatient health care facility owned or controlled by an HMO, and (2) the acquisition of major medical equipment by HMOs is the same as for any other entity (to the extent that these activities are not exempt). The Secretary notes that the method of payment for services (i.e., pre-paid or fee-for-service) is not relevant in determining whether an activity is subject to certificate of need review. In cases where HMO facilities and equipment are reviewed, section 1527(b)(5) limits the criteria which agencies may use in conducting those reviews. Several examples of the new proposed coverage provisions are included as an explanatory note, set forth after § 123.405(a) of the proposed regulations.

Section 123.403(e) would require the State Agency to approve or disapprove an application from an HMO for an exemption on the basis of procedures

and criteria it has adopted. The Secretary encourages State Agencies to expedite reviews of exemption applications. Because an HMO's entitlement to an exemption is based on meeting the conditions at section 1527(b)(1) of the Act (also found at § 123.405(b)(1)), and a State Agency's determination whether these conditions are met will be a simple exercise, the Secretary suggests that the State Agency include in its procedures a requirement that it conduct these reviews in no more than 45 days. Thus, the State Agency will not delay unduly the HMO's ability to proceed with a project for which no certificate of need is required.

Except for minor organizational and editorial changes, certain provisions of this proposed section are the same as provisions in the statute. Paragraph (b), which addresses exemptions from required coverage, follows closely the language of section 1527(b) (1), (2), and (3) of the Act. Additionally, paragraphs (d) (required approval) and (e) (transfers of approved facilities) mirror the language of section 1527(b)(5).

Certain other provisions of this proposed section were drawn directly from the present certificate of need regulations. Paragraph (c), which prohibits disapprovals in certain cases, corresponds with a requirement specified in § 123.411(a)(2) of the present regulations. Additionally, the considerations that would be used in developing review criteria for HMO proposals specified in § 123.412(a)(13) are the same as those in § 123.409(a)(10)(i) and (ii) of the present regulations. The proposed regulations state that criteria used by the State Agency to review HMO and HMO-related proposals must be based solely on these considerations.

The Secretary is proposing that several HMO-related provisions that were included in the present regulations be deleted from these regulations. The provision which prohibited State Agencies from reviewing expenditures which are funded under section 1303 of the Act for feasibility surveys for HMOs or expenditures funded under section 1304 of the Act for planning of HMOs (§ 123.404(b)(1) of the present regulations) has not been included because there no longer is any basis on which State Agencies could review these activities under their certificate of need programs. The provision for required findings for HMO inpatient facilities at § 123.411(c) of the present regulations has also been deleted, because the statute now specifies when proposals for these facilities (when they are not exempt) must be approved. See

section 1527(b) of the Act, implemented at § 123.405(d).

Special Reviews (§ 123.407)

The amended Act, at section 1527(c), and these proposed regulations, at § 123.407, specify that if an application for a certificate of need for a capital expenditure is made to (a) eliminate or prevent imminent safety hazards as defined by Federal, State, or local fire, building, or life safety codes or regulations, (b) comply with State licensure standards, or (c) comply with accreditation standards for purposes of reimbursement under Title XVIII of XIX of the Social Security Act, the application must be approved unless the State Agency finds that (1) the facility or service for which the capital expenditure is proposed is not needed, or (2) the obligation of the capital expenditure is not consistent with the State health plan. The Secretary notes that an application for a special review under § 123.407 to remedy deficiencies that prevent the facility from being accredited (under one of the programs of the Joint Commission on Accreditation of Hospitals and the American Osteopathic Association) must be approved if the deficiencies must be eliminated in order for the facility to be able to enter into (or to prevent termination of) a Medicare agreement or to receive certification under the Department's conditions of participation for reimbursement under the Medicaid program.

These proposed regulations do not specify what information applicants must submit for reviews under section 1527(c). Each State Agency will be responsible for designating these information requirements. When States establish these requirements they should consider requiring that applicants submit documentation from the appropriate Federal, State, or local agency that the proposed project is necessary to eliminate or prevent safety hazards, comply with State licensure standards, or comply with accreditation standards.

The Secretary notes that the intent of section 1527(c) is to limit the necessity for planning agencies to go through a formalized and time-consuming review for those projects which are clearly needed. State Agencies are encouraged to establish expedited procedures for use in special reviews under this section. Before adopting procedures for an expedited review, State Agencies (in accordance with § 123.411 of these proposed regulations) may be required to obtain from the Secretary an exception to applicable required review procedures under § 123.410. If a State

Agency does not grant a certificate of need under the special review section, the State Agency would be required to review the proposal using all applicable criteria under § 123.412

Procedures for Review (§ 123.410)

Section 1532(b)(13)(A) of the Act states that for certificate of need reviews by HSAs and State Agencies, review procedures must include a provision that all completed applications for similar types of services, facilities, or equipment which affect the same health service area will be considered in relation to each other (i.e., batched) at least twice a year. The Secretary believes that the focus of a State's batching procedures should be on similar services, regardless of the type of health care facility proposing them. Further, the Secretary is proposing (at § 123.410(a)(1)(ii)) the broad minimum categories of services which must be batched. The Secretary has proposed in these regulations that the State Agency have the responsibility for establishing the review schedule for applications which are batched.

Section 1532(b)(12)(C) of the Act states that if, after the review has begun, the State Agency or the HSA requires an applicant to submit information on the proposal, the review period, at the applicant's request, shall be extended fifteen days. The Secretary is proposing that this extension apply to all other applications which have been batched with the application for which additional information is required (§ 123.410(a)(3)(i)).

The Secretary is proposing (at § 123.410(a)(3)(ii)) that State Agencies adopt criteria for determining when it would not be practicable to complete a review within 90 days. In developing these criteria, State Agencies should consider the provision at § 123.410(a)(3)(i) for a 15 day extension for the submission of additional information, and whether a further extension is necessary to accommodate the meeting schedules of the HSA's and its own project review committees.

Section 1532(b)(13) of the Act requires agencies to establish a timetable for the submission of applications and to begin reviews in a timely fashion. Section 1532(b)(1), as amended, requires HSAs and State Agencies to provide timely written notification to affected persons of the beginning of a review. In addition to these requirements, the Secretary has proposed (at § 123.410(a)(8)(i)) that affected persons must be given at least 30 days after the notice of the start of the review is sent in which to request a public hearing on the application.

The present regulations define "affected person" for the purpose of notification of the beginning of a review, and "persons directly affected" for the purpose of requesting a public hearing in the course of a review. Since the distinction between "affected person" and "directly affected person" is minor, the Secretary is proposing to adopt the broader term, "affected person," for both purposes (§ 123.401).

Section 1532(b)(12)(A) of the Act requires that the agency that conducts the hearing during the course of review maintain a record of the proceeding. The secretary (at § 123.410(a)(8)(iii)) is proposing that the record, be verbatim, and that the manner in which the record is made, e.g., by a court reporter or tape recorder, be left to the discretion of the State Agency.

Section 1532(b)(12)(B) of the Act states that any decision of a State Agency to issue or not to issue a certificate of need shall be based solely on the review of the State Agency and on the record established in administrative proceedings. In addition, section 1532(b)(12)(C)(ii) states that if the State Agency fails to approve or disapprove an application within the applicable time limit, the applicant may bring an action in State court to require the State Agency to do so. These proposed regulations (at § 123.401(a)(17)) state that an application for a certificate of need or an exemption may not be approved or disapproved solely because the State Agency failed to reach a decision.

New section 1527(a)(4) of the Act requires that, in issuing a certificate of need, the State must specify the maximum capital expenditure which may be obligated under the certificate. The State's program must prescribe, in accordance with the Secretary's regulations, the extent to which an authorized project is subject to further review if the capital expenditure maximum is exceeded. The Secretary is proposing (at § 123.410(a)(12)) that the State Agencies prescribe the method used to determine capital expenditure maximums, establish procedures to monitor capital expenditures obligated under certificates, and establish procedures to re-review projects if the capital expenditure maximum is exceeded. The Secretary suggests that State programs specify that if a project exceeds the capital expenditure maximum by an established amount (for example, 20 percent of the expenditure maximum) the project must be re-reviewed.

Whereas before, the statute only required that the applicant and the HSA be allowed to obtain administrative

review of the State Agency's decision, the statute now requires that any person directly affected must be allowed to request an administrative review. (See § 123.410(a)(13).) Section 1532(b)(12)(D) states that decisions to approve, disapprove or withdraw a certificate of need must, upon the request of any such person, "be administratively reviewed under an appeals mechanism consistent with State law governing the practices and procedures of administrative agencies or, if there is no such State law, by an entity (other than the State Agency) designated by the Governor."

For States that have an appeals mechanism for the administrative review of a State Agency's decision, the appeals entity (or person) must have independent authority to review the certificate of need decision. The Secretary intends to find that a State satisfies this requirement if the appeals entity (or person) is either (1) an entity of the State other than the State Agency or (2) if permitted by State law, a person within the State Agency who, or a component of the State Agency which, (i) did not participate in the certificate of need decision, and (ii) has authority to make a final decision on the appeal. If the State does not have a law that establishes such an appeal mechanism, then the appeals entity would have to be an entity, other than the State Agency, designated by the Governor.

The Secretary is proposing for States that do not have a time period provided for under State law (1) That the appeal must begin within 30 days after the request is submitted, and (2) that the reviewing agency must reach a decision within 45 days after the conclusion of the review (§ 123.410(a)(13)).

The addition of the term "administratively" to the statute makes unacceptable the current practice in some States of designating a State court as the reviewing agency. Thus, the Governors of those States will be required to designate an administrative agency to perform this function.

Section 1532(b)(12)(E) provides that after a decision is made (and any administrative review is completed), any "person adversely affected" by the decision and the HSA must be allowed to obtain a judicial review of the decision in an appropriate State court. The Secretary is proposing to adopt (at § 123.410(a)(14)(ii)) the definition of "person adversely affected" which is contained in the Report of the Senate Committee on Labor and Human Resources on the 1979 Amendments. See S. Rep. No. 96-96, 96th Cong., 1st Sess., p. 72 (1979). This definition includes any person who lives in or uses health facilities in the area served by the

provider involved in the decision, any provider in the health service area or in a different health service area if the provider could be adversely affected by the proposal, and any person who participated in a proceeding before the State Agency.

Section 1527(a)(3) of the Act requires that certificate of need applications include a timetable for completion of the project. The State Agency is required to review periodically the progress of a holder of a certificate in meeting the specified timetable. If the State Agency determines that the holder is not making a good faith effort to meet the timetable, the State Agency may, after considering any recommendation made by the HSA, withdraw the certificate. The Secretary has proposed (at § 123.410(a)(18)) certain procedures which a State Agency must follow to withdraw a certificate.

Criteria for State Agency Review (§ 123.412)

The regulations propose that the criteria which the State Agency must adopt must be based on the considerations in § 123.412. The considerations specified in § 123.412 include and are limited to all those considerations specified in § 123.409(a) of the April 2 regulations and in sections 1527(c) and (f) of the Act. Section 1527(c) specifies the criteria for review of HMO proposals and these have been included at § 123.412(a)(13). The Secretary has included at § 123.412(a)(21) the requirements of section 1527(f), which addresses the need for and availability of services and facilities for osteopathic and allopathic physicians and their patients.

State Agencies may use, in addition to the criteria described above, only criteria which they adopt by regulation in accordance with an authorization under State law (see section 1527(a)(2) of the Act and § 123.412(a)).

Need for and Access to Services (§ 123.412(a) (5) and (6))

State Agencies and HSAs are required, both in developing their health plans and in conducting certificate of need reviews, to consider the extent to which the health needs of low income persons, racial and ethnic minorities, women, handicapped persons, and other underserved groups are being met and will be met by proposals under review.

Section 1532(c)(6)(E) of the Act specifies that States must include in their review criteria a criterion which addresses the extent to which the proposed service will be accessible to all the residents of the area to be served by the proposed service. The Secretary

initially addressed the problem of access in § 123.409(a) (3) and (13) of the certificate of need regulations issued on April 2, 1979. These criteria have been included in and elaborated upon in these proposed regulations at § 123.412(a) (5) and (6).

The Secretary suggests that, in order to determine whether all members of the community to be served will have equal access to the service or equipment for which certificate of need approval is sought, planning agencies consider the following kinds of questions in reviewing applications: (1) if the facility (or portion thereof) to which a new service is to be added was constructed with Hill-Burton funds, has the applicant complied with its community service assurance?; (2) Has the facility demonstrated through population-based planning a relationship between the application and need in the community for the service proposed? Would approval of the application increase access for the medically underserved? Could the same expenditure be made for other services or equipment that would better serve the needs of the community?; (3) Does the facility participate in Federally funded third party reimbursement programs such as Medicare and Medicaid? What portion of the population of the facility's service area receives benefits under these programs?; (4) Does the applicant offer alternative means by which a person will have access to its services, other than through admission by a physician such as through a clinic or emergency room?; (5) Are the proportions of persons served by the facility who are minorities and handicapped in approximate parity to their proportions in the population of the facility's service area?

The Secretary proposes not to specify the types of data the planning agencies must require from applicants. However, planning agencies must have procedures specifying what data the applicant is required to provide. (See § 123.410(a)(4) for procedures regarding information which may be required of applicants.) This data might include (1) the composition of the population of the applicant's actual or potential service area by race, ethnic origin, and handicap; (2) estimates of high risk health indicators in the population in the applicant's service area; (3) current patient utilization data for the entire facility proposed (inpatient, outpatient, and emergency room) by race, ethnic origin, handicap, zip code, and method of payment; (4) the number and percent of physicians with admitting privileges who admit patients receiving Federal

and State assistance for health care; and (5) projected utilization data by race, ethnic origin, and handicap.

Additionally, a State Agency might require the applicant to provide an impact analysis statement showing the anticipated effect of the proposed project, equipment, or service on access to health care for medically underserved persons, indicating how approval of the application will reduce access barriers and the extent to which the approved service will be accessible to the medically underserved. State Agencies may wish to identify different or additional data to be required of the applicant.

Competition (§ 123.412(a) (17) and (18))

Section 1502(b) of the Act as amended provides that for health services for which competition does not or will not appropriately allocate supply consistent with health systems plans and State health plans, HSAs and State Agencies should, in the exercise of their functions, take actions to allocate the supply of these services. However, for health services for which competition does appropriately allocate supply consistent with these plans, HSAs and State Agencies should give priority to actions which would strengthen the effect of competition. The Secretary notes that Congress found in amended section 1502(b)(1) that the effect of competition on decisions of providers respecting the supply of health services and facilities is diminished. Furthermore, Congress found that "the primary source of the lessening of such effect is the prevailing methods of paying for health services by public and private health insurers, particularly for inpatient health services and other institutional health services. As a result, there is a duplication and excess supply of certain health services and facilities, particularly in the case of inpatient health services."

The Secretary believes that the effect of competitive forces may vary from location to location and from service to service, and that analyzing these effects may be best accomplished in the planning process at the State or local level.

Therefore, the Secretary intends to issue a notice of proposed rule making to revise the general regulations governing State Agencies to require that States identify in State health plans those services for which competition adequately allocates supply. The Secretary intends to issue further guidance on how to identify these services and areas.

Individual applications for certificate of need are to be reviewed against criteria developed in accordance with

section 1532(c). In addition to other changes to section 1532(c), the Amendments add two considerations for criteria which deal specifically with competition (see sections 1532(c) (11) and (12)). These considerations have been incorporated at § 123.412(a) (17) and (18).

Required Findings on Access (§ 123.413)

The regulations propose at § 123.413 that State Agencies provide written findings on access in most cases of an approval of an application for a certificate of need. These findings on access would not be required for approvals of applications which are (i) to prevent or eliminate certain imminent safety hazards or to comply with certain licensure of accreditation standards (§ 123.407(a)), or (ii) for capital expenditures not directly related to the provision of health services, to beds or to major medical equipment, or (iii) proposed by or on behalf of an HMO or a health care facility which is controlled, directly or indirectly, by an HMO (criteria here being limited to the considerations at § 123.412(a)(13)).

The Secretary is proposing that the written findings indicate the extent to which the project will meet the access criteria which have been developed by the State Agency under § 123.412(a) (5) and (6). The Secretary recognizes that State Agency decisions on certificate of need proposals are to be based on the application of all the criteria the agency has adopted, and that this process may obscure instances in which obstacles to access do exist. For this reason and because of the Secretary's concern with equal access, the regulations propose required written findings on access. Further, where the proposal does not meet the access criteria, the proposed regulations require the State Agency to notify the applicant and the Department's Regional Office.

Accordingly, 42 CFR Part 122, Subpart D, and 42 CFR Part 123, Subpart E, is proposed to be amended in the manner set forth below.

Dated: March 20, 1980.

Julius B. Richmond,

Assistant Secretary for Health.

Approved: March 21, 1980.

Patricia Roberts Harris,
Secretary.

PART 122—HEALTH SYSTEMS AGENCIES

1. Part 122 of Title 42 CFR, is amended by revising Subpart D to read as follows:

Subpart D—Certificate of Need Reviews

Sec.

- 122.301 Definitions.
- 122.302 Purpose and applicability.
- 122.303 General.
- 122.304 Scope of certificate of need review programs.
- 122.305 Health Maintenance Organizations.
- 122.306 Special reviews.
- 122.307 Adoption and public notice of review procedures and criteria.
- 122.308 Procedures for health systems agency review.
- 122.309 Exceptions to use of procedures.
- 122.310 Criteria for health systems agency review.
- 122.311 Required findings on access.

Authority: Section 215 of the Public Health Service Act, 58 Stat. 690 (42 U.S.C. 216); sections 1501-1532 of the Public Health Service Act, 93 Stat. 592-630 (42 U.S.C. 300k-1-300n-1).

Subpart D—Certificate of Need Reviews

§ 122.301 Definitions.

Terms used in the subpart shall have the meanings given them in Subpart A of this Part and § 123.401 of this title.

§ 122.302 Purpose and applicability.

(a) Section 1513(f) of the Act requires each health systems agency to assist State Agencies in carrying out certificate of need programs under section 1523(a)(4)(B) of the Act. In doing so, health systems agencies are required to review and make recommendations to the appropriate State Agency respecting the need within the health service area for capital expenditures, new institutional health services, and major medical equipment.

(b) Section 1532(a) of the Act requires that in performing its review functions under section 1513(f) of the Act and in conducting any other reviews of proposed health services, each health systems agency shall (except to the extent approved by the Secretary) follow procedures and apply criteria developed and published by the health systems agency in accordance with regulations of the Secretary. This subpart sets forth requirements respecting these procedures and criteria.

§ 122.303 General.

Each recommendation by the health systems agency to a State Agency to issue or not to issue a certificate of need or to withdraw a certificate of need must be based solely (a) on the review by the health systems agency conducted in accordance with procedures and criteria it has adopted under this subpart and (b) on the record of the Administrative proceedings held on the application for the certificate or the

State Agency proposal to withdraw the certificate.

§ 122.304 Scope of certificate of need review programs.

Each health systems agency shall conduct reviews of projects located or proposed to be located within its health service area and which are subject to review under the State certificate of need program under Subpart E of Part 123 of this title.

§ 122.305 Health Maintenance Organizations (HMOs).

(a) *Inclusion in health plans.* If an HMO or a health care facility which is controlled, directly or indirectly, by an HMO applies for a certificate of need, the health systems agency shall not recommend disapproval of the application (or otherwise make a finding under this section that the project is not needed) solely because the proposal is not discussed in the applicable health systems plan, annual implementation plan, or State health plan.

(b) *Required recommendation to approve.* Notwithstanding general review criteria established in accordance with § 123.412 of this title, if an HMO or a health care facility which is controlled, directly or indirectly, by an HMO applies for a certificate of need, the health systems agency shall recommend approval of the application if it finds (in accordance with § 123.412(a)(13)(i) and (ii) of this title) that (1) approval of the application is required to meet the needs of the members of the HMO and of the new members which the HMO can reasonably be expected to enroll, and (2) the HMO is unable to provide, through services or facilities which can reasonably be expected to be available to the HMO, its health services in a reasonable and cost-effective manner which is consistent with the basic method of operations of the HMO and which makes these services available on a long-term basis through physicians and other health professionals associated with it.

§ 122.306 Special reviews.

Under § 123.407 of this title, if an application is made for a certificate of need for a capital expenditure to eliminate or prevent safety hazards, or to comply with certain licensure, certification, or accreditation standards, a special review must be conducted. For those projects subject to review under § 123.407 of this title, the health systems agency is required to make recommendations to the State Agency on whether (a) the project meets any of the conditions in § 123.407(a), and (b)

the facility or service for which the capital expenditure is proposed is needed, and (c) the obligation of the capital expenditure is consistent with the State health plan. For purposes of these special reviews, the criteria developed under § 123.412 of this title do not apply.

§ 122.307 Adoption and public notice of review procedures and criteria.

(a) Each health systems agency shall adopt, and review and revise as necessary, review procedures and criteria in accordance with the requirements of this subpart prior to conducting reviews.

(b) Before adopting the review procedures and criteria required by this subpart or any revisions of the procedures and criteria, the health systems agency shall give interested persons an opportunity to offer written comments on the procedures and criteria, or any revisions thereof, which it proposes to adopt.

(1) The health systems agency shall distribute copies of its proposed review procedures and criteria, and proposed revisions thereof, to the agencies, institutions and associations with which the agency must coordinate its activities under section 1513(d) of the Act and its Designation Agreement, to units of general local government within its health service area, to the State Agency and the Statewide Health Coordinating Council of each State in which all or any part of the agency's health service area is located, to health systems agencies designated for contiguous health service areas, and to any agency which establishes rates for health care facilities or HMOs in its health service area.

(2) The health systems agency shall publish, in one or more newspapers of general circulation in its health service area, a notice stating that review procedures and criteria, or revisions thereof, have been proposed for adoption and are available at specified addresses for inspection and copying.

(3) A health systems agency may request from the Secretary an exception to the requirement of paragraph (b)(2) of this section. The request must be in writing and must contain a detailed explanation of the reasons for the request and of the substitute publication procedures that the agency intends to follow if the exception is approved. The Secretary may grant an exception if the Secretary determines that the proposed substitute procedures are less costly or more effective and do not adversely and substantially affect the rights of affected persons.

(c) Each health systems agency shall distribute copies of its adopted review procedures and criteria, and any revisions thereof, to the agencies and organizations specified in paragraph (b)(1) of this section and to the Secretary, and shall provide copies to other persons upon request.

§ 122.308 Procedures for health systems agency review.

(a) The procedures adopted and used by a health systems agency for conducting the reviews covered by this subpart must include at least the following:

(1) *Review schedule.* Review of applications in accordance with a schedule established by the State agency under § 123.410(a)(1) of this title, including the consideration together of applications that have been batched under the State Agency schedule.

(2) *Notification of the beginning of a review.* Timely written notification to affected persons and to the State Agency of the beginning of a review, and, if a person has asked the health systems agency to place the person's name on a mailing list maintained by the health systems agency, notification to the person. Notification must include the proposed schedule for the review, the period within which a public hearing held by the health systems agency under paragraph (a)(8) of this section may be requested by persons affected by the review (as defined in § 123.401 of this title), and the manner in which notification will be provided of the time and place of any hearing so requested.

(i) For purposes of this paragraph, the date of notification is the date on which the notice is sent or the date on which the notice appears in a newspaper of general circulation, whichever is later.

(ii) Written notification to members of the public may be provided through newspapers of general circulation in the health service area and public information channels; notification to all other affected persons must be by mail (which may be as part of a newsletter).

(3) *Review period.* Schedules which provide that no review shall take longer than the period specified by the appropriate State Agency under § 123.410(a)(3) of this title. If, after a review has begun, the health systems agency requires the applicant to submit additional information, it shall give the applicant at least fifteen days to submit the information, and shall notify the applicant that the applicant may request that the State Agency extend the review period at least fifteen days.

(4) *Information requirements.*

Provision for persons subject to a review to submit to the health systems agency,

in the form and manner and containing the information which the health systems agency shall prescribe and publish, any information that the health systems agency may require concerning the subject of the review.

(i) The information requirements may vary according to the purpose for which a particular review is being conducted or the type of health service being reviewed.

(ii) The health systems agency may require no information of a person subject to review which is not prescribed and published as being required.

(iii) The health systems agency shall develop procedures to ensure that requests for information in connection with a review under this subpart are limited to only that information which is necessary for the health systems agency to perform the review.

(5) *Periodic reports.* Submission of periodic reports by providers of health services and other persons subject to review respecting the development of proposals subject to review.

(6) *Written findings and conditions.* Provision for written findings (including, as appropriate, the required findings under § 122.305(b)) which state the basis for any recommendation made by the health systems agency. The health systems agency shall send written findings to the applicant and to the State Agency for the State in which the project is proposed, and to others upon request. In the case of a project proposed by an HMO, the health systems agency shall also send these written findings to the appropriate Regional Office of the Department of Health, Education, and Welfare at the time these are sent to the applicant.

(7) *Notification of the status of a review.* Timely notification, upon request, of providers of health services and other persons subject to review under this subpart of the status of the health systems agency review, findings made in the course of the review, and other appropriate information respecting the review.

(8) *Public hearing in the course of review.* Provision for a public hearing in the course of review if requested by any affected person.

(i) The health systems agency shall provide at least 15 days from the date of written notification of the beginning of a review (see paragraph (a)(2) of this section) within which a public hearing during the course of the review may be requested by affected persons.

(ii) The health systems agency may not impose fees for the hearing.

(iii) Where a hearing is requested, the health systems agency shall, prior to the

hearing, provide notice of the hearing, in accordance with its procedure adopted under paragraph (a)(2) of this section.

(iv) The health systems agency shall provide an opportunity for any person to present oral or written arguments and evidence relevant to the matter which is the subject of the hearing.

(v) In cases where a State Agency has delegated the authority to hold hearings under § 123.410(a)(8) of this title to the health systems agency, the health systems agency shall comply with the procedures of § 123.410(a)(8).

(9) *Annual reports of the health systems agency.* Preparation and publication, at least annually, of reports by the health systems agency of the reviews being conducted (including a statement concerning the status of each review) and of the reviews completed by the agency since the publication of the last report and a general statement of the findings and recommendations made in the course of those reviews.

(10) *Public access.* Access by the general public to all applications reviewed by the health systems agency and to all other written materials essential to any agency review.

(11) *Conflicts of Interest.* In the performance of any reviews under this subpart, no member of a governing body, executive committee, or any entity appointed by a governing body or executive committee may vote on any matter respecting an applicant with which the member has (or within the twelve months preceding the vote, had) any substantial ownership, employment, medical staff, fiduciary, contractual, creditor, or consultative relationship. A governing body, executive committee, and any entity appointed by a governing body or executive committee shall require each of its members who has or has had such a relationship to make a written disclosure of the relationship before any action is taken by the body, committee, or entity with respect to the applicant and to make the relationship public in any meeting in which action is to be taken with respect to the applicant.

(12) *Coordination within an SMSA.* Each health systems agency whose health service area includes part of a standard metropolitan statistical area (as determined by the Office of Management and Budget) shall coordinate its certificate of need review activities with all other health systems agencies whose health service areas include part of the standard metropolitan statistical area. This coordination shall include at least (i) an opportunity to offer written comments on the procedures and criteria, or any revisions thereof, which it proposes to

adopt in accordance with § 122.307 and (ii) notification of the State Agency's certificate of need decisions respecting projects which were proposed to be located in its health service area.

(b) Procedures adopted for reviews in accordance with paragraph (a) of this section may vary according to the purpose for which a particular review is being conducted or the type of health service being reviewed.

(c) The procedures may provide that the requirements of paragraph (a)(2) of this section shall be deemed satisfied if the State Agency, in providing notice of the beginning of the review under § 123.410(a)(2) of this title, provides the information described in paragraph (a)(2) of this section.

(d) The procedures may provide that the requirements of paragraph (a) (4) or (5) of this section shall be deemed satisfied if the appropriate State Agency has provided for the corresponding procedure found at § 123.410(a) (4) or (5) of this title.

§ 122.309 Exceptions to use of procedures.

(a) The Secretary may approve an exception to any of the required review procedures under § 122.308 either in response to a written request from the health systems agency or as a general exception of which any health systems agency may avail itself. In approving a general exception the Secretary will establish substitute procedures where appropriate. Before availing itself of a general exception approved by the Secretary, the health systems agency shall follow the notice and comment procedures of § 122.307(b).

(b) Before submitting a written request for an exception under this section, the health systems agency shall follow the notice and comment procedures of § 122.307(b) and shall submit to the Secretary with its request copies of all comments which it receives. Before approving the request, the Secretary will (1) review copies of the comments submitted by the health systems agency and, (2) determine that the procedures which will be used are consistent with the purposes of the Act and will not adversely and substantially affect the rights of affected persons.

(c) The health systems agency shall, in accordance with the requirements of § 122.307(c), distribute a notice of the approved exceptions and of any substitute procedures established under this section.

§ 122.310 Criteria for health systems agency review.

(a) The health systems agency shall adopt, and use as appropriate, specific

criteria for conducting the reviews covered by this subpart. The criteria may be based only on the general considerations listed under § 123.412(a) of this title, except that it may include any additional criteria which the State Agency has prescribed by regulation in accordance with an authorization under State law. In the case of an HMO or an ambulatory care facility or health care facility controlled, directly or indirectly, by an HMO or combination of HMOs, the criteria must be based only on the considerations set forth in § 123.412 of this title.

(b) Criteria adopted for reviews in accordance with paragraph (a) of this section may vary according to the purpose for which a particular review is being conducted or the type of health service reviewed.

§ 122.311 Required findings on access.

For each project described in § 123.413(a) of this title for which the HSA recommends approval, the HSA shall make a written finding (which may take into account the current accessibility of the facility as a whole) on the extent to which the project will meet the HSA's criteria based on the considerations in § 123.412(a) (5) and (6).

PART 123—STATE HEALTH PLANNING AND DEVELOPMENT AGENCIES

2. Part 123 of Title 42, CFR, is amended by revising Subpart E to read as follows:

Subpart E—Certificate of Need Reviews

Sec.	
123.401	Definitions.
123.402	Purpose and applicability.
123.403	General.
123.404	Scope of certificate of need review programs.
123.405	Health Maintenance Organizations.
123.406	Notice of intent.
123.407	Special reviews.
123.408	Enforcement.
123.409	Adoption and public notice of review procedures and criteria.
123.410	Procedures for State Agency review.
123.411	Exceptions to use of procedures.
123.412	Criteria for State Agency review.
123.413	Required findings on access.

Authority: Section 215 of the Public Health Service Act, 58 Stat. 690 (42 U.S.C. 216); sections 1501-1532 of the Public Health Service Act, 93 Stat. 592-630 (42 U.S.C. 300k-1-300n-1).

§ 123.401 Definitions.

In addition to the terms defined in Subpart A of this Part, as used in this subpart:

The term "affected persons" includes, at a minimum, the person whose proposal is being reviewed; the health systems agency for the health service

area in which the proposed project is to be located; health systems agencies serving contiguous health service areas, members of the public who are to be served by the proposed project; health care facilities and health maintenance organizations (HMOs) located in the health service area in which the project is proposed to be located which provide services similar to the services of the facility under review; health care facilities and HMOs which, prior to receipt by the agency of the proposal being reviewed, have formally indicated an intention to provide similar services in the future; and any agency which establishes rates for health care facilities or HMOs located in the health service area in which the project is proposed to be located.

The term "capital expenditure" means an expenditure made by or on behalf of a health care facility which under generally accepted accounting principles is not properly chargeable as an expense of operation and maintenance.

The term "expenditure minimum," when used in connection with capital expenditures, means \$150,000 for the twelve-month period beginning October 1, 1979, and for each twelve-month period thereafter, \$150,000 or, at the discretion of the State, the figure in effect for the preceding twelve-month period, adjusted to reflect the change in the preceding twelve-month period in the Department of Commerce Composite Construction Cost Index.

The term "expenditure minimum," when used in connection with annual operating costs, means \$75,000 for the twelve-month period beginning October 1, 1979, and for each twelve-month period thereafter, \$75,000 or, at the discretion of the State, the figure in effect for the preceding twelve-month period, adjusted to reflect the change in the preceding twelve-month period in an index to be designated by the Secretary by regulations.

The term "health" includes physical and mental health.

The term "health care facility" means hospitals, skilled nursing facilities, kidney disease treatment centers (including freestanding hemodialysis units), intermediate care facilities, rehabilitation facilities, and ambulatory surgical facilities, but does not include Christian Science sanatoriums operated, or listed and certified, by the First Church of Christ, Scientist, Boston, Massachusetts. Further:

(1) The term "hospital" means an institution which primarily provides to inpatients, by or under the supervision of physicians, diagnostic services and therapeutic services for medical diagnosis, treatment and care of injured,

disabled, or sick persons, or rehabilitation services for the rehabilitation of injured, disabled, or sick persons. This term also includes psychiatric and tuberculosis hospitals.

(2) The term "psychiatric hospital" means an institution which primarily provides to inpatients, by or under the supervision of a physician, psychiatric services for the diagnosis and treatment of mentally ill persons.

(3) The term "tuberculosis hospital" means an institution which primarily provides to inpatients, by or under the supervision of a physician, medical services for the diagnosis and treatment of tuberculosis.

(4) The term "skilled nursing facility" means an institution or a distinct part of an institution which primarily provides to inpatients skilled nursing care and related services for patients who require medical or nursing care, or rehabilitation services for the rehabilitation of injured, disabled, or sick persons.

(5) The term "intermediate care facility" means an institution which provides, on a regular basis, health-related care and services to individuals who do not require the degree of care and treatment which a hospital or skilled nursing facility provides, but who because of their mental or physical condition require health related care and services (above the level of room and board).

(6) The term "rehabilitation facility" means an inpatient facility which is operated for the primary purpose of assisting in the rehabilitation of disabled persons through an integrated program of medical and other health services which are provided under competent professional supervision.

(7) The term "ambulatory surgical facility" means a facility, not a part of a hospital, which provides surgical treatment to patients not requiring hospitalization. The term does not include the offices of private physicians or dentists, whether for individual or group practice.

The term "health maintenance organization" or "HMO" means a public or private organization organized under the laws of any State, (1) which is a qualified health maintenance organization under section 1310(d) of the Act, or (2) which:

(i) Provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services: usual physician services, hospitalization, laboratory, x-ray, emergency and preventive services, and out of area coverage; and

(ii) Is compensated (except for copayments) for the provision of the basic health care services listed in paragraph (2)(i) of this definition to enrolled participants by a payment which is paid on a periodic basis without regard to the date the health care services are provided and which is fixed without regard to the frequency, extent, or kind of health service actually provided; and

(iii) Provides physicians' services primarily (A) directly through physicians who are either employees or partners of the organization, or (B) through arrangements with individual physicians or one or more groups of physicians (organized on a group practice or individual practice basis).

The term "health services" means clinically related (i.e., diagnostic, treatment, or rehabilitative) services, and includes—

(1) Alcohol, drug abuse, and mental health services; and

(2) Radiological diagnostic health services which are provided by fixed or mobile computed tomographic (CT) scanning equipment. A CT head scanner and a CT body scanner are considered to provide separate services. A CT fixed scanner and a CT mobile scanner are considered to provide separate services.

The term "major medical equipment" means medical equipment which is used to provide medical and other health services and which costs more than \$150,000. This term does not include medical equipment acquired by or on behalf of a clinical laboratory to provide clinical laboratory services, if the clinical laboratory is independent of a physician's office and a hospital and has been determined under title XVIII of the Social Security Act to meet the requirements of paragraphs (10) and (11) of section 1861(s) of that Act. In determining whether medical equipment costs more than \$150,000, the cost of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to acquiring the equipment shall be included.

The term "person" means an individual, a trust or estate, a partnership, a corporation (including associations, joint stock companies, and insurance companies), a State, a political subdivision or an instrumentality (including a municipal corporation) of a State, or any other legal entity recognized by the State.

The term "physician" means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by a State.

§ 123.402 Purpose and applicability.

(a) Section 1523(a)(4)(B) of the Act requires each State health planning and development agency (State Agency) to administer a State certificate of need program which (1) applies to the obligation of capital expenditures within the State, the offering within the State of new institutional health services, and the acquisition of major medical equipment, and (2) is consistent with regulations of the Secretary. This subpart sets forth the requirements and standards that a State certificate of need program must meet. A State certificate of need program may include additional provisions not inconsistent with the requirements of this subpart.

(b) Section 1532(a) of the Act requires that in performing its review functions under section 1523(a)(4)(B) of the Act, each State Agency shall (except to the extent approved by the Secretary) follow procedures and apply criteria developed and published by the State Agency in accordance with regulations of the Secretary. This subpart sets forth requirements respecting these procedures and criteria.

§ 123.403 General.

(a) Each State Agency shall administer within the State a certificate of need program meeting the requirements of this subpart.

(b) Only the State Agency (or the appropriate administrative or judicial review body) may issue, deny or withdraw certificates of need, grant exemptions from certificate of need reviews, or determine that certificate of need reviews are not required.

(c) In approving or disapproving applications for certificates of need or in withdrawing certificates of need, the State Agency shall take into account recommendations made by health systems agencies under Subpart D of Part 122 of this title.

(d) Each decision of the State Agency to issue a certificate of need must be consistent with the State health plan, except in emergency circumstances that pose an imminent threat to public health.

(e) Each decision of the State Agency to issue or not to issue a certificate of need or to withdraw a certificate of need must be based (i) on the review by the State Agency conducted in accordance with procedures and criteria it has adopted under this subpart, and (ii) on the record of the administrative proceedings held on the application for the certificate or the State Agency's proposal to withdraw the certificate. Each decision of a State Agency to approve or disapprove an application for an exemption under § 123.405 must

be made in accordance with the State Agency's procedures for reviewing these applications and must be based solely on the record of the administrative proceedings held on the application.

§ 123.404 Scope of certificate of need review programs.

(a) *Required coverage.* The State certificate of need program must apply to the obligation of capital expenditures by or on behalf of a health care facility, the offering of new institutional health services provided in or through a health care facility, and the acquisition of major medical equipment. For purposes of this subpart, "the obligation of capital expenditures, offering of new institutional health services, and acquisition of major medical equipment" means the following:

(1) *Capital expenditures that exceed the expenditure minimum.* The obligation of any capital expenditure by or on behalf of a health care facility that exceeds the expenditure minimum (or any lesser amount the State may specify). The cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, expansion, or replacement of any plant or equipment with respect to which an expenditure is made shall be included in determining if the expenditure exceeds the expenditure minimum.

(2) *Bed capacity.* The obligation of any capital expenditure by or on behalf of a health care facility which increases or decreases the total number of beds (or distributes beds among various categories, or relocates bed from one physical facility or site to another) by ten beds or ten percent, whichever is less, in any two-year period.

(3) *Health services.* (i) The obligation of any capital expenditure by or on behalf of a health care facility which results in (A) the addition of a health service not provided in or through the facility within the previous twelve months, or (B) the termination of a health service provided in or through the facility; and

(ii) The addition of a health service which is offered in or through a health care facility which was not offered on a regular basis in or through the facility within the twelve-month period before the month in which the service would be offered, and which entails annual operating costs of at least the expenditure minimum.

(4) *Major medical equipment.* (i) The acquisition by any person of major medical equipment that will be owned by or located in a health care facility; and

(ii) The acquisition by any person of major medical equipment not owned by or located in a health care facility, if (A) the notice of intent required by § 123.406(a) is not filed in accordance with that paragraph, or (B) the State Agency finds, within 30 days after the date it receives a notice in accordance with § 123.406(a), that the equipment will be used to provide services for inpatients of a hospital. However, an acquisition of major medical equipment need not be reviewed if it will be used to provide services to inpatients of a hospital only on an occasional and irregular basis. A State program may cover major medical equipment not owned by or located in a health care facility beyond the minimum coverage required by this subparagraph; however, after September 30, 1982, the certificate of need program of a State may not be changed to include additional requirements for coverage of this equipment.

(5) *Acquisitions of health care facilities.* (i) Except as provided in § 123.405(b), the obligation of a capital expenditure by any person to acquire an existing health care facility (A) if the notice of intent required at § 123.406(b) is not filed in accordance with that paragraph, or (B) if the State Agency finds, within 30 days after the date it receives a notice in accordance with paragraph § 123.406(b), that the services or bed capacity of the facility will be changed in being acquired.

(ii) Each State Agency shall specify, for purposes of the preceding sentence, what activities result in a change in the services or bed capacity of a health care facility; however, these activities must include at least (A) a change in the bed capacity which increases or decreases the total number of beds (or distributes beds among various categories, or relocates beds from one physical facility or site to another) by ten beds or ten percent, whichever is less, in any two-year period, (B) the addition of a health service not provided in or through the facility within the previous twelve months, and (C) the termination of a health service provided in or through the facility.

(b) *Leases, donations, and transfers.* An acquisition by donation, lease, transfer, or comparable arrangement must be reviewed if the acquisition would be subject to review under paragraph (a) of this section if made by purchase. An acquisition for less than fair market value must be reviewed if the acquisition at fair market value would be subject to review under paragraph (a) of this section.

(c) *Commitments for financing.* The term "obligation," when used in

connection with capital expenditures, includes commitments made for financing a proposed project. Thus, a person must obtain a certificate of need before making a commitment for financing an activity described in paragraph (a)(1), (a)(2), (a)(3)(i), or (a)(5) of this section.

(d) *Subsequent reviews.*—(1) *Capital expenditures.* The State program must provide as follows: A proposed change in a project associated with a capital expenditure for which the State Agency has previously granted a certificate of need will require review if the change is proposed within one year (or any longer period established under the State Program) after the date the activity for which the expenditure was approved is undertaken. (As an illustration, where a hospital receives approval to construct a new wing for its facility, the hospital will "undertake the activity" when it begins to provide services in the wing.) This subparagraph applies to changes associated with capital expenditures that were subject to review under paragraph (a)(1), (a)(2) or (a)(3) of this section. A review is required under this subparagraph whether or not a capital expenditure is associated with the proposed change. A "change in a project" shall include any change in the bed capacity of a facility, the addition or termination of a health service, an expansion or reduction of an existing health service, and any other substantial change to the project.

Explanatory note.—Examples that illustrate coverage required by this paragraph are as follows: (1) A certificate of need is obtained for the obligation of a capital expenditure to establish administrative offices. Within one year of the date these offices are first used, the facility decides to convert this space to a psychiatric ward. The facility previously provided psychiatric services. A certificate of need is required for this change regardless of whether a capital expenditure will be associated with the change and the fact that the conversion results merely in an expansion of services and not the addition of a new service. (2) A certificate of need is obtained for the obligation of a capital expenditure which results in the addition of ten psychiatric beds. Within one year, those beds are proposed to be converted to pediatric beds. Certificate of need review is required for the conversion, regardless of whether this later activity is tied to a capital expenditure. (3) A certificate of need is obtained for the obligation of a capital expenditure which results in the addition of a new psychiatric service. Within one year, this service is proposed to be converted to a new pediatric service. Certificate of need review is required, regardless of whether a capital expenditure associated with the new service will be incurred or annual operating costs of at least the expenditure minimum will result.

(2) *Major medical equipment.* If a person acquires major medical equipment not located in a health care facility without a certificate of need more than 30 days after filing the notice of intent required by § 123.406(a) and proposes at any time to use that equipment to serve inpatients of a hospital on more than an occasional and irregular basis, the proposed new use must be reviewed.

(3) *Existing facilities.* If a person acquires an existing health care facility without a certificate of need more than 30 days after filing the notice of intent required by § 123.406(b), and proposes to change within one year after the acquisition (or any longer period of time established under the State program) the services or bed capacity of the facility, the proposed change must be reviewed if it would have required review under paragraph (a)(5) of this section originally.

(e) *Dissemination of scope of coverage.* Before reviewing any project not previously within the scope of the State program's coverage, each State Agency shall disseminate to all health systems agencies, health care facilities, and HMOs within the State, and shall publish in one or more newspapers of general circulation in the State, a description of the scope of coverage of its program. The description must include at least the coverage required by § 123.404 and § 123.405 of this subpart. Whenever the scope of coverage is revised, the State Agency shall disseminate and publish revised description of it.

§ 123.405 Health maintenance organizations (HMOs).

(a) *Required coverage.* With respect to an HMO or a health care facility controlled, directly or indirectly, by an HMO or combination of HMOs, the State Agency shall review any activity specified in § 123.404 which is undertaken by or on behalf of an inpatient health care facility (unless these activities are exempt under paragraph (b)(1) of this section). In addition, the State Agency shall review the acquisition of major medical equipment by an ambulatory care facility of an HMO to the extent required by § 123.404(a)(4), regardless of whether the acquisition is on behalf of an inpatient health care facility (unless the acquisition is exempt under paragraph (b)(1) of this section). A State program may not exceed the coverage specified in this paragraph.

Explanatory note.—With respect to HMOs, State Agencies are required to review activities specified in § 123.404(a) (1), (2), (3), and (5) and in § 123.404(b) when undertaken

by or on behalf of an inpatient health care facility (unless exempt under paragraph (b)(1) of this section). Further, they are required to review major medical equipment proposed to be acquired by HMOs as specified in § 123.404(a)(4) (unless exempt under paragraph (b)(1) of this section). A list of examples illustrating this coverage follows: (1) Major medical equipment acquired by HMOs which is not owned by or located in a health care facility and which is used primarily for inpatients of a hospital must be reviewed (unless the project is exempt); further, major medical equipment acquired by an HMO and located in a health care facility must be reviewed (unless the project is exempt). (2) An ambulatory clinic proposed by an HMO which is independent of an inpatient health care facility is not subject to review. (3) Any capital expenditure exceeding the expenditure minimum by or on behalf of an HMO's inpatient health care facility must be reviewed (unless the project is exempt). (4) A capital expenditure for the addition of ten beds to an HMO's hospital must be reviewed (unless the project is exempt).

(b) *Exemptions.*—(1) *Exemptions from review.* If an applicant has met the requirements of paragraph (b)(2) of this section for obtaining an exemption, a State Agency may not review any activity described in § 123.404 which is undertaken on behalf of an inpatient health care facility by the following:

(i) An HMO or a combination of HMOs if (A) the HMO or combination of HMOs has, in the service area of the HMO or the service areas of the HMOs in the combination, an enrollment of at least 50,000 individuals, (B) the facility in which the service will be provided is or will be geographically located so that the service will be reasonably accessible to the enrolled individuals, and (C) at least 75 percent of the patients who can reasonably be expected to receive the health service will be individuals enrolled with the HMO or HMOs in the combination; or

(ii) A health care facility if (A) the facility primarily provides or will provide inpatient health services, (B) the facility is or will be controlled, directly or indirectly, by an HMO or a combination of HMOs which has, in the service area of the HMO or service areas of the HMOs in the combination, an enrollment of at least 50,000 individuals, (C) the facility is or will be geographically located so that the service will be reasonably accessible to the enrolled individuals, and (D) at least 75 percent of the patients who can reasonably be expected to receive the health service will be individuals enrolled with the HMO or HMOs in the combination; or

(iii) A health care facility (or portion thereof) if (A) the facility is or will be leased by an HMO or combination of

HMOs which has, in the service area of the HMO or the service areas of the HMOs in the combination, an enrollment of at least 50,000 individuals and, on the date the application is submitted under paragraph (b)(2) of this section, at least fifteen years remain in the term of the lease, (B) the facility is or will be geographically located so that the service will be reasonably accessible to the enrolled individuals, and (C) at least 75 percent of the patients who can reasonably be expected to receive the health service will be individuals enrolled with the HMO.

(2) *Application for exemption.* (i) An HMO, combination of HMOs, or health care facility shall not be exempt under paragraph (b)(1) of this section unless—

(A) It has submitted, at the time and in the form and manner prescribed by the State Agency, an application for an exemption to the State Agency and the appropriate health systems agency,

(B) The application contains the information respecting the HMO, combination, or facility and the proposed offering, acquisition, or obligation that the State Agency may require to determine if the HMO or combination meets the requirements of paragraph (b)(1) of this section or the facility meets or will meet those requirements, and

(C) The State Agency approves the application.

(ii) If a proposed health care facility (or portion thereof) has not begun to provide health services on the date an application is submitted for an exemption for the facility (or portion thereof), the State Agency shall approve the application for an exemption if it determines that the facility (or portion thereof) will meet the applicable requirements of paragraph (b)(1) of this section when the facility first provides health services.

(3) *Sale, lease, acquisition, or use of exempt facilities or equipment.* The State program must provide that a health care facility (or portion thereof) or medical equipment for which an exemption was granted under paragraph (b)(1) of this section may not be sold or leased, a controlling interest in the facility or equipment or in a lease of the facility or equipment may not be acquired, and a health care facility described in paragraph (b)(1)(iii) of this section which was exempted under paragraph (b)(1) of this section may not be used by any person other than the lessee described in paragraph (b)(1)(iii), unless,

(i) The State Agency issues a certificate of need for the sale, lease, acquisition, or use, or

(ii) The State Agency determines, upon application, that (A) the entity which intends to buy or lease the facility or equipment, or acquire the controlling interest in it, or which intends to use it, is an HMO or a combination of HMOs which meets the requirements of paragraph (b)(1)(i)(A) of this section; and (B) with respect to the facility or equipment, the entity meets the requirements of paragraph (b)(1)(i) (B) and (C) of this section or of paragraph (b)(1)(ii) (A) and (B) of this section.

(c) *Inclusion in health plans.* If an HMO or a health care facility which is controlled, directly or indirectly, by an HMO applies for a certificate of need, a State Agency shall not disapprove the application solely because the proposal is not discussed in the applicable health systems plan, annual implementation plan, or State health plan.

(d) *Required approval.* Notwithstanding general review criteria established in accordance with § 123.412, if an HMO or a health care facility which is controlled, directly or indirectly, by an HMO applies for a certificate of need, the State Agency shall approve the application if it finds (in accordance with § 123.412(a)(13) (i) and (ii) that (1) approval of the application is required to meet the needs of the members of the HMO and of the new members which the HMO can reasonably be expected to enroll, and (2) the HMO is unable to provide, through services or facilities which can reasonably be expected to be available to the HMO, its health services in a reasonable and cost-effective manner which is consistent with the basic method of operation of the HMO and which makes these services available on a long-term basis through physicians and other health professionals associated with it.

(e) *Sale, acquisition, or lease of approved facilities or equipment.* The State program must provide that except as provided in paragraph (b)(2) of this section and notwithstanding § 123.406, a health care facility (or portion thereof) or medical equipment for which a certificate of need was issued under this section may not be sold or leased, and a controlling interest in the facility or equipment or in a lease of the facility or equipment may not be acquired, unless the State Agency issues a certificate of need for the sale, acquisition, or lease.

§ 123.406 Notice of intent.

The State program must provide as follows:

(a) *Major medical equipment.* At least 30 days before any person enters into a contract to acquire major medical equipment which will not be owned by

or located in a health care facility, the person shall notify the State Agency of the State in which the equipment will be located and the appropriate health systems agency of the person's intent to acquire the equipment and of the use that will be made of the equipment (see § 123.404(a)(4)(ii)). The notice must be in writing and contain all information the State Agency requires in accordance with § 123.410(a)(4).

(b) *Acquisition of health care facilities.* At least 30 days before any person acquires or enters into a contract to acquire an existing health care facility, the person shall notify the State Agency of the State in which the facility is located and the appropriate health systems agency of the person's intent to acquire the facility and of the services to be offered in the facility and its bed capacity (see § 123.404(a)(5)). The notice must be made in writing and must contain all information the State Agency requires in accordance with § 123.410(a)(4).

(c) *Construction projects.* The State Agency shall have procedures for persons proposing construction projects to submit to the State Agency and the appropriate health systems agency, as early as possible in the course of planning the project, a notice of intent in as much detail as may be necessary to inform the agencies of the scope and the nature of the project.

§ 123.407 Special reviews.

(a) The State Agency shall conduct a special review as specified in paragraph (b) of this section if an application for a certificate of need for a capital expenditure is made—

(1) To eliminate or prevent imminent safety hazards as defined by Federal, State, or local fire, building, or life safety codes or regulations, or

(2) To comply with State licensure standards, or

(3) To comply with accreditation or certification standards which must be met to receive reimbursement under Title XVIII of the Social Security Act or payments under a State plan for medical assistance approved under Title XIX of that Act.

(b)(1) In conducting special reviews under this section, the State Agency shall determine whether (i) the project meets any of the conditions in paragraph (a) of this section, and (ii) the facility or service for which the capital expenditure is proposed is needed, and (iii) the obligation of the capital expenditure is consistent with the State health plan.

(2) The State Agency shall issue a certificate of need if it determines that (i) the project meets any of the

conditions in paragraph (a) of this section, and (ii) the facility or service for which the capital expenditure is proposed is needed, and (iii) the obligation of the capital expenditure is consistent with the State health plan. For purposes of special reviews under this section, the criteria developed under § 123.412 do not apply.

(3) The State Agency shall conduct a review using the procedures of § 123.410 and its criteria developed under § 123.412 if it determines that (i) the project does not meet any of the conditions in paragraph (a) of this section, or (ii) the facility or service for which the capital expenditure is proposed is not needed, or (iii) the capital expenditure is not consistent with the State health plan.

(c) The State Agency shall review those portions of a proposed project which are not essential to eliminate or prevent safety hazards or to comply with certain licensure, certification, or accreditation standards using the procedures in § 123.410 and its criteria developed under § 123.412.

§ 123.408 Enforcement.

(a) The State certificate of need program must provide that (1) State Agencies may only grant a certificate of need for those obligations of capital expenditures, offerings of institutional health services, and acquisitions of major medical equipment which are found to be needed; and (2) persons may only obligate capital expenditures, offer institutional health services or acquire major medical equipment after a certificate of need is granted or an exemption under § 123.405(b) is obtained; and (3) persons may not obligate capital expenditures, offer institutional health services, or acquire major medical equipment if a certificate of need authorizing that obligation, offering, or acquisition has been withdrawn by the State Agency.

(b) The State certificate of need program must provide sanctions, such as the denial or revocation of a license to operate, civil or criminal penalties, or injunctive relief, which the Secretary finds sufficient to ensure compliance with paragraph (a) of this section.

§ 123.409 Adoption and public notice of review procedures and criteria.

(a) Each State Agency shall adopt, and review and revise as necessary, review procedures and criteria in accordance with the requirements of this subpart prior to conducting reviews.

(b) The State Agency, the Statewide Health Coordinating Council, and the health systems agencies within the State shall cooperate in the development of

procedures and criteria under this subpart to the extent appropriate to achieve efficient reviews and consistent criteria for reviews.

(c) Before adopting the review procedures and criteria required by this subpart or any revisions of the procedures and criteria, the State Agency shall give interested persons an opportunity to offer written comments on the procedures and criteria, or any revisions thereof, which it proposes to adopt.

(1) The State Agency shall distribute copies of its proposed review procedures and criteria, and proposed revisions thereof, to Statewide health agencies and organizations, the Statewide Health Coordinating Council, each health systems agency for a health service area located in the State, and any agency which establishes rates for health care facilities or HMO's in the State.

(2) The State Agency shall publish, in one or more newspapers of general circulation in the State, a notice stating that review procedures and criteria, or revisions thereof, have been proposed for adoption and are available at specified addresses for inspection and copying.

(3) A State Agency may request from the Secretary an exception to the requirement of paragraph (c)(2) of this section. The request must be in writing and must contain a detailed explanation of the reasons for the request and of the substitute publication procedures that the agency intends to follow if the exception is approved. The Secretary may grant an exception if the Secretary determines that the proposed substitute procedures are less costly or more effective and do not adversely and substantially affect the rights of affected persons.

(d) Each State Agency shall distribute copies of its adopted review procedures and criteria, and any revisions thereof, to the agencies and organizations specified in paragraph (c)(1) of this section and to the Secretary, and shall provide copies to other persons upon request.

§ 123.410 Procedures for State agency review.

(a) The procedures adopted and used by a State Agency for conducting the reviews covered by this subpart must include at least the following:

(1) *Schedules for submitting applications.* Establishment of a schedule for submission of applications to the State Agency. The schedule must provide for the review of all completed applications pertaining to similar types of services, facilities, or equipment

affecting the same health service area to be considered in relation to each other ("batched") at least twice a year.

(i) Applications which satisfy the requirements of § 123.407(a) for special reviews are not required to be batched.

(ii) With respect to health services, the State Agency shall, unless the State establishes other categories satisfactory to the Secretary, batch applications, at least according to the following categories: general medical-surgical, psychiatric, obstetric, pediatric, skilled nursing, and intermediate care. State Agencies may subdivide these categories and may establish additional categories.

(2) *Notification of the beginning of a review.* Timely written notification to affected persons of the beginning of a review, and, if a person has asked the State Agency to place the person's name on a mailing list maintained by the State Agency, notification to the person. Notification must include the proposed schedule for the review, the period within which a public hearing during the course of the review may be requested by affected persons, and the manner in which notification will be provided of the time and place of any hearing so requested.

(i) For purposes of this paragraph, the date of notification is the date on which the notice is sent or the date on which the notice appears in a newspaper of general circulation, whichever is later.

(ii) Written notification to members of the public may be provided through newspapers of general circulation in the health service area and public information channels; notification to all other affected persons must be by mail (which may be as part of a newsletter).

(3) *Review period.* Schedules which provide for starting reviews in a timely fashion and which establish the period within which the State Agency will approve or disapprove applications for certificates of need and for examples under § 23.405(b).

(i) If, after a review has begun, the State Agency or the health systems agency requires the applicant to submit additional information, that agency shall give the applicant at least fifteen days to submit the information, and upon request of the applicant, the State Agency shall extend its review period at least fifteen days. This extension must apply to all other applications which have been batched with the application for which additional information is required.

(ii) The schedule must provide that no certificate of need review shall, to the extent practicable, take longer than 90 days from the date that notification is sent to all affected persons under

paragraph (a)(2) of this section to the date of the written findings made under paragraph (a)(6) of this section. The State Agency shall adopt criteria acceptable to the Secretary for determining when it would not be practicable to complete a review within 90 days.

(iii) The schedule must set forth the period within which the appropriate health systems agency shall complete its review under § 122.308(a)(3) of this title, and provide its recommendation with respect to the project to the State Agency. However, the period allotted by the State Agency to the health systems agency for completion of its review and submission of its recommendation may not be less than 60 days, except with the written consent of the health systems agency.

(4) *Information requirements.* Provision for persons subject to a review to submit to the State Agency, in the form and manner and containing the information which the State Agency shall prescribe and publish, any information that the State Agency may require concerning the subject of the review.

(i) The information requirements may vary according to the purpose for which a particular review is being conducted or the type of health service being reviewed.

(ii) The State Agency may require no information of a person subject to review which is not prescribed and published as being required.

(iii) The State Agency shall develop procedures to ensure that requests for information in connection with a review under this subpart are limited to only that information which is necessary to the State Agency to perform the review.

(5) *Periodic reports.* Submission of periodic reports by providers of health services and other persons subject to review respecting the development of proposals subject to review.

(6) *Written findings and conditions.* Provision for written findings (including, as appropriate, the required findings under § 123.405(d) and § 123.413(a)) which state the basis for any final decision made by the State Agency. The State Agency may not make its final decision subject to any condition unless the condition directly relates to criteria established under § 123.412 or criteria prescribed by regulation by the State Agency in accordance with an authorization under State law. The State Agency shall send written findings to the applicant and to the health systems agency for the health service area in which the project is proposed, and shall make them available to others upon request. In the case of a project

proposed by an HMO, the State Agency shall also send these written findings to the appropriate Regional Office of the Department of Health, Education, and Welfare at the time these are sent to the applicant.

(7) *Notification of the status of a review.* Timely notification, upon request, of providers of health services and other persons subject to review under this subpart of the status of the State Agency review, findings made in the course of the review, and other appropriate information respecting the review.

(8) *Public hearing in the course of review.* Provision for a public hearing in the course of agency review if requested by any affected person.

(i) The State Agency shall provide at least 30 days from the date of written notification of the beginning of a review (see paragraph (a)(2) of this section) within which a public hearing during the course of the review may be requested. The State Agency shall, prior to the hearing, provide notice of the hearing, in accordance with its procedure adopted under paragraph (a)(2) of this section.

(ii) In a hearing, any person shall have the right to be represented by counsel and to present oral or written arguments and evidence relevant to the matter which is the subject of the hearing. Any person affected by the matter may conduct reasonable questioning of persons who make relevant factual allegations.

(iii) The agency shall maintain a verbatim record of the hearing.

(iv) The agency may not impose fees for the hearing.

(v) Paragraph (c) of this section provides that the requirement for a public hearing in the course of review is satisfied if the State Agency delegates the hearing responsibility to the appropriate health systems agency and the health systems agency follows the procedures required by this subsection. In the event that a person qualifying under the State Agency definition of "affected person" is not provided an opportunity for a public hearing by the health systems agency, due to a difference in that agency's definition of "affected persons," the State Agency must provide that person an opportunity for a public hearing.

(9) *Ex parte contacts.* Provision that, after the commencement of a hearing under paragraphs (a)(8) and (a)(11) of this section and before a decision is made, there shall be no ex parte contacts between (i) any person acting on behalf of the applicant or holder of a certificate of need, or any person opposed to the issuance or in favor of withdrawal of a certificate of need and

(ii) any person in the State Agency who exercises any responsibility respecting the application or withdrawal.

(10) *Statement of reasons.* Provision that if the State Agency makes a decision which is inconsistent with a recommendation made by the health systems agency, the goals of the applicable health systems plan, or the priorities of the applicable annual implementation plan, the State Agency shall submit to the health systems agency a written, detailed statement of the reasons for the inconsistency.

(11) *Public hearings for reconsideration of a State Agency decision.* Provision that any person may, for good cause shown, request in writing a public hearing for purposes of reconsideration by the State Agency of its decision.

(i) The agency may not impose fees for the hearing.

(ii) For purposes of this subparagraph, a request for a public hearing shows good cause if it (A) presents significant relevant information not previously considered by the State Agency, (B) demonstrates that there have been significant changes in factors or circumstances relied upon by the State Agency in reaching its decision, (C) demonstrates that the State Agency has materially failed to follow its adopted procedures in reaching its decision, or (D) provides any other basis which the State Agency determines constitutes good cause.

(iii) To be effective, a request for a hearing must be received within 30 days of the State Agency decision, and the hearing must commence within 30 days of receipt of the request, except that where any different time periods for these procedures are established under State law governing the practices and procedures of administrative agencies, the latter shall govern.

(iv) The State Agency shall send notification of the public hearing, prior to the date of the hearing, to the person requesting the hearing, the person proposing the project and the health systems agency for the health service area in which the project is proposed, and to others upon request.

(v) The State Agency shall make written findings which state the basis for its decision within 45 days after the conclusion of the hearing, except that where any different time period is established under State law governing the practices and procedures of administrative agencies, the latter shall govern.

(vi) A decision of the State Agency following a public hearing under this subparagraph shall be considered a decision of the State Agency for

purposes of subparagraphs (6), (7), (10), (13), (14), and (15) of this paragraph.

(12) *Maximums on capital expenditures.* Provision that, in issuing a certificate of need, the State Agency shall specify the maximum capital expenditure which may be obligated under the certificate. The State Agency shall (i) prescribe the method used to determine capital expenditure maximums, (ii) establish procedures to monitor capital expenditures obligated under certificates, and (iii) establish procedures to review projects for which the capital expenditure maximum is exceeded or expected to be exceeded.

(13) *Administrative review.* Provision that upon request of any affected person, the decision of the State Agency to issue, not to issue, or to withdraw a certificate of need or to approve or disapprove an application for an exemption shall be administratively reviewed, under an appeals mechanism consistent with State law governing the practices and procedures of administrative agencies, or, if there is no such State law, by an entity (other than the State Agency) designated by the Governor.

(i) To be effective, the request must be received within 30 days of the State Agency decision, and the review must commence within 30 days of receipt of the request, except that where any different time periods for these procedures are established under State law governing the practices and procedures of administrative agencies, the latter shall govern.

(ii) The decision of the reviewing agency must be made in writing within 45 days after the conclusion of the review, except that where any different time period is required under State law governing the practices and procedures of administrative agencies, the latter shall govern. The State Agency shall send these written findings to the person proposing the project, the person requesting the review, the appropriate health systems agency, and to others upon request.

(iii) The decision of the reviewing agency shall be considered the final decision of the State Agency. However, if permitted by applicable State law, the reviewing agency may remand the matter to the State Agency for further action or consideration.

(14) *Judicial review.* Provision that any person adversely affected by a final decision of a State Agency with respect to a certificate of need or an application for an exemption may, within a reasonable period of time after the decision is made (and any administrative review of it completed),

obtain judicial review of it in an appropriate State court.

(i) The State court shall affirm the decision of the State Agency unless it finds it to be arbitrary or capricious or not made in compliance with applicable law.

(ii) For purposes of this subparagraph, "person adversely affected" shall include any person residing within the geographic area served or to be served by the provider involved in the decision, any person who regularly uses health facilities within that geographic area, any provider in the health service area affected, any provider in a different health service area if the proposal under review would adversely affect that provider, the appropriate health systems agency, and any other person who participated in the proceeding before the State Agency.

(15) *Annual reports of the State Agency.* Preparation and publication, at least annually, of reports by the State Agency of the reviews being conducted (including a statement concerning the status of each review) and of the reviews completed by the agency since the publication of the last report and a general statement of the findings and decisions made in the course of those reviews.

(16) *Public access.* Access by the general public to all applications reviewed by the State Agency and to all other written materials essential to any agency review.

(17) *Failure to act on an application within the required time.* Provision that if the State Agency fails to approve or disapprove an application for a certificate of need or an exemption under § 123.405(b) within the applicable period, the applicant may, within a reasonable period of time following the expiration of that period, bring an action in an appropriate State court to require the State Agency to approve or disapprove the application. A certificate of need or an exemption may not be issued or denied solely because the State Agency failed to reach a decision.

(18) *Withdrawal of a certificate of need.* Provision that an application for a certificate of need shall specify the time the applicant will require to make the service or equipment available or to obligate the expenditure and a timetable for making the service or equipment available or obligating the expenditure. After the issuance of a certificate of need, the State Agency shall periodically review the progress of the holder of the certificate in meeting the timetable specified in the approved application. If on the basis of this review the State Agency determines that the holder of a certificate is not meeting the

timetable and is not making a good faith effort to meet it, the State Agency may, after considering any recommendation made by the appropriate health systems agency, withdraw the certificate. In withdrawing a certificate of need, the State Agency shall follow the procedures at paragraph (a)(2), (6), (7), (8), (9), (10), (11), (13), (14), and (15) of this section.

(b) Procedures adopted for reviews in accordance with paragraph (a) of this section may vary according to the purpose for which a particular review is being conducted or the type of health service being reviewed.

(c) The procedures may provide that the requirements of paragraph (a)(4) or (5) of this section shall be deemed satisfied if the appropriate health systems agency has provided for the corresponding procedure found at § 122.308(a)(4) or (5) of this title. The procedures of paragraph (a)(8) of this section shall be deemed satisfied if the State Agency delegates the hearing responsibility to the appropriate health systems agency and the health systems agency follows the procedures at paragraph (a)(8) of this section.

§ 123.411 Exceptions to use for procedures.

(a) The Secretary may approve an exception to any of the required review procedures under § 123.410 either in response to a written request from a State Agency or as a general exception of which any State Agency may avail itself. In approving a general exception, the Secretary will establish substitute procedures where appropriate.

(b) Before availing itself of a general exception approved by the Secretary, the State Agency shall follow the notice and comment procedures of § 123.409(c). Before submitting a written request for an exception under this section, the State Agency shall follow the notice and comment procedures of § 123.409(c) and shall submit to the Secretary with its request copies of all comments which it receives. Before approving the request, the Secretary will (1) review copies of the comments submitted by the State Agency and (2) determine that the procedures which will be used are consistent with the purposes of the Act and will not adversely and substantially affect the rights of affected persons.

(c) The State Agency shall, in accordance with the requirements of § 123.409(d), distribute a notice of the approved exceptions and of any substitute procedures established under this section.

§ 123.412 Criteria for State agency review.

(a) The State Agency shall adopt, and use as appropriate, specific criteria for

conducting the reviews covered by this subpart. The criteria may be based only on the following general considerations, except that the State Agency may include any additional criteria which it prescribes by regulation in accordance with an authorization under State law. In the case of an HMO or an ambulatory care facility or health care facility controlled, directly or indirectly, by an HMO or combination of HMOs, the criteria must be based only on the considerations set forth in paragraph (a)(13) of this section.

(1) The relationship of the health services being reviewed to the applicable health systems plan, annual implementation plan, and State health plan.

(2) The relationship of services reviewed to the long-range development plan (if any) of the person providing or proposing the services.

(3) The availability of less costly or more effective alternative methods of providing the services to be offered, expanded, reduced, relocated, or eliminated.

(4) The immediate and long-term financial feasibility of the proposal, as well as the probable impact of the proposal or the costs of and charges for providing health services by the person proposing the service.

(5)(i) The need that the population served or to be served has for the services proposed to be offered or expanded, and the extent to which all residents of the area, and in particular low income persons, racial and ethnic minorities, women, handicapped persons and other underserved groups are likely to have access to those services.

(ii) In the case of a reduction or elimination of a service, including the relocation of a facility or a service, the need that the population presently served has for the service; the extent to which that need will be met adequately by the proposed relocation or by alternative arrangements; and the effect of the reduction, elimination or relocation of the service on the ability of low income persons, racial and ethnic minorities, women, handicapped persons, and other underserved groups to obtain needed health care.

(6) The contribution of the proposed service in meeting the health related needs of members of medically underserved groups which have traditionally experienced difficulties in obtaining equal access to health services (for example, low income persons, racial and ethnic minorities, women, and handicapped persons), particularly those needs identified in the applicable health systems plan, annual

implementation plan, and State health plan as deserving of priority. In this regard, the State Agency shall consider:

(i) The extent to which medically underserved populations currently use the applicant's services in comparison to the percentage of the population in the applicant's service area which is medically underserved, and the extent to which medically underserved populations will use the proposed services if approved;

(ii) The past performance of the applicant in meeting its obligation, if any, under any applicable Federal regulations requiring provision of uncompensated care, community service, or access by minorities and handicapped persons to programs receiving Federal financial assistance (including the existence of any unresolvable civil rights access complaints against the applicant);

(iii) The extent to which physicians with admitting privileges at the applicant's facility admit Medicare and Medicaid patients; and

(iv) The extent to which the applicant offers alternative means, other than through admission by a physician, by which a person will have access to its services (e.g., admission through a clinic or emergency room).

(7) The relationship of the services proposed to be provided to the existing health care system of the area in which the services are proposed to be provided.

(8) The availability of resources (including health personnel, management personnel, and funds for capital and operating needs) for the provision of the services proposed to be provided and the availability of alternative uses of these resources for the provision of other health services.

(9) The relationship, including the organizational relationship, of the health services proposed to be provided to ancillary or support services.

(10) The effect of the means proposed for the delivery of health services on the clinical needs of health professional training programs in the area in which the services are to be provided.

(11) If proposed health services are to be available in a limited number of facilities, the extent to which the health professions schools in the area will have access to the services for training purposes.

(12) Special needs and circumstances of those entities which provide a substantial portion of their services or resources, or both, to individuals not residing in the health service areas in which the entities are located or in adjacent health service areas. These entities may include medical and other

health professions schools, multidisciplinary clinics and specialty centers.

(13) The special needs and circumstances of HMOs. These needs and circumstances shall be limited to:

(i) The needs of enrolled members and reasonably anticipated new members of the HMO for the health services proposed to be provided by the organization; and

(ii) The availability of the new health services from non-HMO providers or other HMOs in a reasonable and cost-effective manner which is consistent with the basic method of operation of the HMO. In assessing the availability of these health services from these providers, the agency shall consider only whether the services from these providers:

(A) Would be available under a contract of at least five years duration;

(B) Would be available and conveniently accessible through physicians and other health professionals associated with the HMO. (For example—whether physicians associated with the HMO have or will have full staff privileges at a non-HMO hospital);

(C) Would cost no more than if the services were provided by the HMO; and

(D) Would be available in a manner which is administratively feasible to the HMO.

(14) The special needs and circumstances of biomedical and behavioral research projects which are designed to meet a national need and for which local conditions offer special advantages.

(15) In the case of a construction project—

(i) The costs and methods of the proposed construction, including the costs and methods of energy provision, and

(ii) The probable impact of the construction project reviewed on the costs of providing health services by the person proposing the construction project and on the costs and charges to the public of providing health services by other persons.

(16) The special circumstances of health care facilities with respect to the need for conserving energy.

(17) In accordance with section 1502(b) of the Act, the factors which affect the effect of competition on the supply of the health services being reviewed.

(18) Improvements or innovations in the financing and delivery of health services which foster competition, in accordance with section 1502(b) of the

Act, and serve to promote quality assurance and cost effectiveness.

(19) In the case of health services or facilities proposed to be provided, the efficiency and appropriateness of the use of existing services and facilities similar to those proposed.

(20) In the case of existing services or facilities, the quality of care provided by those facilities in the past.

(21) When an application is made by an osteopathic or allopathic facility for a certificate of need to construct, expand, or modernize a health care facility, acquire major medical equipment, or add services, the need for that construction, expansion, modernization, acquisition of equipment, or addition of services shall be considered on the basis of the need for and the availability in the community of services and facilities for osteopathic and allopathic physicians and their patients. The State Agency shall consider the application in terms of its impact on existing and proposed institutional training programs for doctors of osteopathy and medicine at the student, internship, and residency training levels.

(b) Criteria adopted for reviews in accordance with paragraph (a) of this section may vary according to the purpose for which a particular review is being conducted or the type of health service reviewed.

§ 123.413 Required findings on access.

(a) Under § 123.412(a) (5) and (6), the State Agency is required to develop criteria based on considerations relating to the need of the population to be served for the proposed project and the extent to which the residents of the area will have access to the project. For each project it approves, the State Agency shall make a written finding (which, where appropriate, shall take into account the current accessibility of the facility as a whole), on the extent to which the project will meet the State Agency's criteria developed based on the considerations in § 123.412(a) (5) and (6), except in the following cases:

(1) Where the project is one described in § 123.407(a) (projects to eliminate or prevent certain imminent safety hazards or to comply with certain licensure or accreditation standards); or

(2) Where the project is a proposed capital expenditure not directly related to the provision of health services or to beds or major medical equipment; or

(3) Where the project is proposed by or on behalf of an HMO or a health care facility which is controlled, directly or indirectly, by an HMO.

(Explanatory note.—To the extent that a project does not fall within one of these exceptions, a written finding on need and

access is required if the project is approved. Where written findings are required, they need only apply to the project under review, however, where appropriate the accessibility of the project must be evaluated in light of the current accessibility of the facility as a whole. If the State Agency disapproves the proposal for failure to meet the need and access criteria, it must so state in its written findings under § 123.410(a)(6). Examples of when the written finding is required as to whether a project satisfies the State Agency's criteria for need and access are as follows: (1) The applicant proposes to make a capital expenditure of \$400,000 required solely to comply with State licensure standards. The written finding is not required. (2) The applicant proposes to provide a new coronary care service with annual operating costs of more than the expenditure minimum. The written finding is required if the project is approved. (3) The applicant proposes to make a capital expenditure of \$200,000 to repave its parking lot, or to acquire computerized data processing equipment, or to repair or upgrade its heating or air conditioning equipment. The written finding is not required. (4) The applicant proposes to make a capital expenditure to add fifteen beds to its obstetrical ward. The written finding is required if the project is approved.)

(b) In any case where the State Agency finds that an approved project does not satisfy the State Agency's criteria based on the considerations in § 123.412(a) (5) or (6), it may, if it approves the application, impose the condition that the applicant take affirmative steps to meet those criteria.

(c) In any case where the State Agency finds that a project does not satisfy the State Agency's criteria based on the considerations in § 123.412(a) (5) or (6), it shall so notify in writing the applicant and the appropriate Regional Office of the Department of Health, Education, and Welfare.

Appendix—Effective Dates

Because there have been, over time, a number of different sets of regulations identifying the requirements for satisfactory certificate of need programs, each set with its own effective dates, the Secretary discusses each of these below, together with Pub. L. 96-79 and an analysis of how the requirements for State health planning and development agency designation under section 1521 of the Public Health Service Act ("the Act") are related to compliance with the certificate of need requirements. There are involved three sets of certificate of need requirements:

1. *The original regulations.* These were published on January 21, 1977 (42 FR 4002), and amended slightly (primarily with respect to required reviews of changes in bed capacity) on April 8, 1977 (42 FR 18605).

2. *The amended regulations.* On April 2, 1979 (44 FR 19306), the original

regulations were republished, with significant amendments applying to certificate of need reviews of proposals by health maintenance organizations (HMOs). These regulations required that State Agencies consider certain specific criteria and make certain findings in regard to HMO proposals.

The April 2 regulations also specified that States may not review expenditures for feasibility surveys for HMOs which are funded under section 1303 of the Act or expenditures for planning of HMOs which are funded under section 1304 of the Act.

The April 2, 1979, regulations also added two other important provisions. State Agencies were required (1) to consider the special circumstances of health care facilities and HMOs with respect to the need for conserving energy and (2) to give special consideration to (a) the health related needs of medically underserved groups and in particular members of groups which have traditionally experienced difficulties in obtaining equal access to health services, such as minorities, women, and the handicapped, and (b) the contribution of the proposal being reviewed in meeting those needs.

On April 25, 1979 (44 FR 24428), the regulations were further amended to specify that the offering of certain computed tomographic (CT) scanner services must be considered the offering of a health service, as defined by § 123.404(a)(3) of the regulations.

The dates by which the States were required to implement the amendments made by the April 2 and April 25, 1979, regulations were discussed in the preambles to those documents. These dates were to be determined by whether State legislative changes were required to implement those amendments. See 44 FR 19315, April 2, 1979, and 44 FR 24429-30, April 25, 1979.

Some of the requirements of these regulations have been superseded by the 1979 statutory amendments. These are discussed below, as is the Secretary's decision to revise these required implementation dates.

3. *The 1979 statutory amendments.* As noted above, Title XV of the Act was amended on October 4, 1979, by Pub. L. 96-79, so that the statutory requirements for certificate of need programs are substantially changed. The present regulations are proposed to be revised to implement the statutory amendments.

Under Section 129 of Pub. L. 96-79, the new certificate of need requirements that do not require State legislative action for their implementation were

effective on October 4, 1979.¹ Under her authority to review the operation of and the performance of the functions by State Agencies, the Secretary is asking State Agencies, after consulting with their legal counsel, to identify the portions of Title XV of the Act as amended that do not require legislative change. As requested in the Federal Register Notice of February 22, each State Agency has been asked to submit this proposed list to the appropriate DHEW Regional Office by April 1, 1980. The Secretary is also requiring State Agencies to prepare a timetable for State implementation of these changes. This timetable must show the schedule for the State implementing these changes within the six months following publication of the final revised certificate of need regulations.

The effective date for those portions of the amendments that *require legislative changes* is determined as follows: (1) If the legislature of the State was in regular session on October 4, 1979, and the legislature will be in session for at least twelve months from that date, the effective date is October 4, 1980; (2) For all other States, the effective date is twelve months from the date of the beginning of the first regular session or the legislature beginning after October 4, 1979. Each State is required to enact by the effective date applicable to it whatever legislation is needed to implement the remaining requirements of the amendments.

The Secretary intends to require that each State complete the administrative action necessary to implement its legislation (i.e., have a functioning certificate of need program meeting the new requirements) within six months after the date of enactment of its legislative amendments, or by the effective date (as described in the preceding paragraph) applicable to that State, whichever is later. This deadline is referred to below as the "implementation date."

Applicability of April 2 and April 25, 1979, Regulations

The Secretary has concluded that it would be unreasonable to require States to implement those portions of the amendments made by the April 2 and 25, 1979, regulations which will in effect be superseded or replaced by the new regulations which will implement Pub. L. 96-79. In addition, as to those portions of the April regulations which will not be superseded or replaced, the Secretary

has decided not to require their implementation according to the dates originally set for their implementation. Rather, the Secretary intends to incorporate those portions into the new regulations to be published and will require their implementation in accordance with the schedule for implementation of the new regulations.

As noted in the discussion above, the amendments made by Pub. L. 96-79 allow some HMOs to receive an exemption from review for certain proposals and to have their proposals which are not exempt reviewed under limited criteria. Accordingly, some of the special provisions of the April 2 regulations pertaining to HMO Proposals are no longer necessary or appropriate. The only HMO provisions added by the April 2 regulations which the Secretary has included in these proposed regulations are those which elaborate upon the criteria for review of HMO proposals. In addition, the Secretary proposes to retain the provisions respecting energy conservation and the needs of the medically underserved groups. The Secretary also proposes to retain the provision in the April 25 regulations pertaining to reviews of CT scanner services.

Designation Requirements Which Apply Prior to a State's Effective Date

The Secretary will review applications for full designation under section 1521(b)(3) of the Act from most States prior to the date on which those States are required to enact legislation necessary to implement the new certificate of need requirements of Pub. L. 96-79 ("effective date"). In that review (and until that date), as a condition for full designation, the Secretary will require that States satisfy one of the following: (1) the requirements effective prior to the April 1979 amendments to the certificate of need regulations; (2) the certificate of need regulatory requirements, as amended by the April 2 and April 25, 1979, regulations; (3) the Statutory requirements of the Act, as amended by Pub. L. 96-79; or (4) the requirements of the final revised regulations once they are published subsequent to these proposed regulations. The Secretary strongly urges States which must either amend their certificate of need legislation, or enact new legislation, in order to qualify for full designation, to enact legislation that satisfies the new statutory certificate of need requirements (option 3 above). By so doing, the legislatures of these States may avoid the need to amend their

certificate of need laws an additional time.

As noted above, the Secretary is asking State Agencies, after consulting with their legal counsel, to identify in writing the portions of their certificate of need programs which can be revised to conform with Title XV of the Act as amended without legislative change. Under the authority to review the operation of and the performance of their functions by the State Agencies, the Secretary is also requiring State Agencies to prepare a timetable for State implementation of these portions of their programs, as well as other requirements for conforming certificate of need programs. Each State Agency has been requested to submit this timetable as part of its designation application, i.e., by April 1, 1980. The Secretary strongly requests that States implement these changes as soon as possible. As a condition for full designation, the Secretary is requiring, at a minimum, that the timetable show the schedule for the State implementing these changes within 6 months of publication of the final revised certificate of need regulations.

Finally, the Secretary calls attention to section 1521(d) of the Act. This section provides that the Department must reduce by 25 percent (for the first twelve months, and more thereafter), the amount of each allotment, grant, loan, loan guarantee, and contract awarded in the State under the Public Health Service Act and certain related Acts if the State Agency is not fully designated on the date by which legislation to implement the amendments must be enacted (the effective date). These related Acts are the Community Mental Health Centers Act, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, and the Drug Abuse Prevention, Treatment, and Rehabilitation Act (formerly the Drug Abuse Office and Treatment Act of 1972).

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¹ A number of provisions were revised by Pub. L. 96-79, effective on October 4, 1980. States may, however, act in accordance with these changes immediately.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of

the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

Note: There were no items eligible for inclusion in the list of Rules Going Into Effect Today.

NATIONAL CREDIT UNION ADMINISTRATION

- 12211 2-25-80 / Statement of policy—National Environmental Policy Act

Deadlines for Comments on Proposed Rules for the Week of March 30, 1980 through April 5, 1980

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

- 18013 3-20-80 / Milk in Eastern Ohio-Western Pennsylvania marketing area; comments by 4-4-80
- 15555 3-11-80 / Quantity of hops that may be freely marketed from the 1980 crop; comments by 3-28-80
- Animal and Plant Health Inspection Service—
- 10752 2-19-80 / Re-entry and importation of pet birds, final rules; comments by 4-4-80
- Farmers Home Administration—
- 6792 1-30-80 / Operating loan policies, procedures and authorizations; comments by 3-31-80
- Food and Nutrition Service—
- 7227 2-1-80 / National School Lunch Program; School Breakfast Program, Summer Food Service Program for Children; submission of claims for reimbursement; comments by 3-31-80

CIVIL AERONAUTICS BOARD

- 7567 2-4-80 / Insurance requirements for U.S. and foreign air carriers; reply comments by 4-1-80

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- 14884 3-7-80 / Requirements for 1980 filing of claims to cable royalty fees; comments by 3-31-80

ENERGY DEPARTMENT

Economic Regulatory Administration—

- 6951 1-31-80 / Assignments and adjustments to firms; allocation level for mail hauling; comments by 4-4-80

Federal Energy Regulatory Commission—

- 12777 2-27-80 / Disclosed estimation methodology approach for determination of volumes of natural gas used for exempt purposes under the incremental pricing program; comments extended to 3-31-80
- [Originally published at 45 FR 21, 1-2-80]

- 15556 3-11-80 / Exemption for small industrial boiler fuel facilities from incremental pricing provisions of the Natural Gas Policy Act of 1978; comments by 4-4-80
- [See also 44 FR 57783, 10-5-79]

- 15563 3-11-80 / Permanent Rule Defining Agricultural uses exempt from incremental pricing under the Natural Gas Policy Act of 1978 and rule exempting agricultural uses from incremental pricing surcharges; comments by 4-4-80

- 15559 3-11-80 / Permanent Rule defining small existing industrial boiler fuel users exempt from incremental pricing under the Natural Gas Policy Act of 1978; comments from 4-4-80

- 15555 3-11-80 / Procedures to be used for the first ten months of the incremental pricing program by industrial users in calculating the volumes of natural gas subject to incremental pricing surcharges; comments by 4-4-80
- [See also 45 FR 21, 1-2-80]

- 13122 2-28-80 / Treatment under incremental pricing program of natural gas used as boiler fuel to raise steam which forms a step in the manufacturing process for fertilizer; comments by 3-31-80

ENVIRONMENTAL PROTECTION AGENCY

- 7758 2-4-80 / Ammonium sulfate manufacture; standards of performance; comments by 4-5-80

- 13732 3-3-80 / Exclusion and exemption of motor vehicles and motor vehicle engines from certain prohibitions or requirements under the Clean Air Act; comments by 4-2-80

- 14232 3-5-80 / Hazardous waste and hazardous waste management, availability of information on hazardous waste testing procedures; comments by 4-4-80
- 16208 3-13-80 / Ink formulating point source category effluent guidelines, pretreatment standards, and new source performance standards; comments for proposed ink formulating industry by 3-31-80
- 14072 3-4-80 / Montana; designation of areas for air quality planning purposes; comments by 4-3-80
- 1252 1-4-80 / Noise emission standards for interstate rail carriers; comments by 4-4-80
- 14232 3-5-80 / Polychlorinated biphenyls (PCB's); request for information on PCB transformers; comments by 4-4-80
- 7582 2-4-80 / Virginia; attainment status designations; comments by 4-4-80
- FEDERAL COMMUNICATIONS COMMISSION**
- 19902 3-7-80 / Authorization of use of low power radio transmitters by police radio service licenses in the 30-50 MHz 150-174 MHz and 450-470 MHz bands; comments by 3-31-80
- 2857 1-15-80 / Cellular mobile communication systems; band use; inquiry; comments by 4-1-80
- 14075 3-4-80 / Domestic public land mobile radio service; air-ground assignment to Tallahassee, Fla.; comments by 4-4-80
- 7583 2-4-80 / Establishment of disaster radio response program in local government radio service for States, territories, and possessions; comments by 4-4-80
- 8673 2-8-80 / FM assignment to Big Rapids, Mich.; comments by 3-31-80
- 9755 2-13-80 / FM broadcast station in Los Osos—Baywood Park Calif.; proposed changes in table of assignments; comments by 3-31-80
- 17043 3-17-80 / FM broadcast station assignment to Malakoff, Tex.; reply comments period extended to 3-31-80
[See also 45 FR 1920, 1-9-80]
- 8674 2-8-80 / FM assignment to Olympia, Wash.; comments by 3-31-80
- 9023 2-11-80 / FM broadcast stations in Blue Ridge, Ga. and Murphy, N.C.; changes in table of assignments; comments by 4-4-80
- 9022 2-11-80 / FM broadcast station in Hudson Falls, N.Y.; changes in table of assignments; comments by 4-4-80
- 6419 1-28-80 / Operation of visual and aural transmitters of TV stations; comments by 3-31-80
- 3064 1-16-80 / Policy and rules on rates for competitive common carrier services and facilities authorizations; period for reply comments on Part XI extended to 4-4-80
[Originally published at 44 FR 67445, 11-26-79 and corrected at 44 FR 73130, 12-17-79]
- 14074 3-4-80 / Proposals received in cellular rulemaking; comments by 4-1-80
- 14074 3-4-80 / Public mobile radio services; revision and update of rules; comments by 3-31-80
- 12446 2-26-80 / Public mobile radio services; elimination of financial qualifications; comments by 4-4-80
- 9024 2-11-80 / Television broadcast station in Crossville, Tenn.; changes in table of assignments; comments by 4-4-80
- FEDERAL ELECTION COMMISSION**
- 13767 3-3-80 / Contributions to an expenditures by delegates to National Nominating Conventions; comments by 4-2-80
- FEDERAL REGISTER ADMINISTRATIVE COMMITTEE**
- 13715 2-29-80 / Identification of subjects in agency regulations; comments by 3-31-80
[See also 45 FR 2998, 1-15-80]
- GENERAL SERVICES ADMINISTRATION**
- 9267 2-12-80 / Commercial products; temporary regulations; comments by 3-31-80
- National Archives and Records Service—
- 14073 3-4-80 / Fees for reproduction services and location of records and hours of use; comments by 4-3-80
- HEALTH, EDUCATION, AND WELFARE DEPARTMENT**
- Civil Rights Office—
- 14233 3-5-80 / Equal opportunity in employment provisions applicable to the Public Broadcasting Services, National Public Radio, and Telecommunications entities receiving Federal funds from the Corporation of Public Broadcasting; comments by 4-1-80
[See also 44 FR 75676, 12-21-79]
- INTERIOR DEPARTMENT**
- Fish and Wildlife Service—
- 9028 2-11-80 / Migratory bird hunting; nontoxic shot zones for waterfowl hunting, for hunting seasons commencing in 1980; comments by 3-31-80
- Land Management Bureau—
- 13968 3-3-80 / Exploration and mining wilderness review program; comments by 4-2-80
- INTERSTATE COMMERCE COMMISSION**
- 10386 2-15-80 / Administrative appeals in non-rail proceedings; comments by 3-31-80
- 13479 2-29-80 / Expansion of air terminal zones at specified major "air cargo centers"; comments by 3-31-80
- 14234 3-5-80 / Rail market dominance and related considerations; comments extended to 4-2-80
[See also 45 FR 3353, 1-17-80]
- LABOR DEPARTMENT**
- Employment Standards Administration—
- 14070 3-4-80 / Farm labor contractor registration; documents acceptable as evidence of bona fide inquiry of employability status; comments by 4-3-80
- NATIONAL CREDIT UNION ADMINISTRATION**
- 15939 3-12-80 / Federal credit unions; loan interest rates; increase; comments by 3-31-80
- 6795 1-30-80 / Special share accounts and definition of gross income, risk assets and liquid assets; comments by 3-30-80
- NUCLEAR REGULATORY COMMISSION**
- 6793 1-30-80 / Domestic licensing of production and utilization facilities; operational data gathering; comments by 3-31-80
- PERSONNEL MANAGEMENT OFFICE**
- 7263 2-1-80 / Pay administration; back pay; clarification and simplification; comments by 4-1-80
- POSTAL SERVICE**
- 14605 3-6-80 / Solicitations in guise of bills, invoices, or statement of account; comments by 4-5-80
- SECURITIES AND EXCHANGE COMMISSION**
- 15941 3-12-80 / Requests for confidential treatment of records obtained by the Commission; comments by 4-4-80
- TENNESSEE VALLEY AUTHORITY**
- 11835 2-22-80 / Nondiscrimination with respect to aged; comments by 3-30-80
- TRANSPORTATION DEPARTMENT**
- Coast Guard—
- 10814 2-19-80 / Cedar Point, Sandusky, Ohio; establishment of special anchorage area; comments by 4-1-80
- 10813 2-19-80 / Duluth-Superior Harbor, Duluth, Minn.; establishment of special anchorage area; comments by 4-1-80

- 10813 2-19-80 / Manatee River, Bradenton, Fla.; establishment of special anchorage area; comments by 4-1-80
- 10815 2-19-80 / Muskegon Lake East, Muskegon, Mich.; establishment of special anchorage area; comments by 4-1-80
- 10810 2-19-80 / Niagara River, Youngstown, N.Y.; enlargement of special anchorage area; comments by 4-1-80
- 10811 2-19-80 / San Francisco Bay; expansion of anchorage No. 5; comments by 4-1-80
- 10812 2-19-80 / San Juan Harbor, P.R.; reduction of temporary anchorage E; comments by 4-1-80
Federal Aviation Administration—
- 7540 2-4-80 / Air taxi operators and commercial operators; commuter pilot in command operating experience requirements; comments by 4-1-80
[See also 45 FR 7246, 2-1-80]
Federal Highway Administration—
- 69586 12-3-79 / Maximum weight of trucks on interstate highway system highways; comments by 3-30-80
National Highway Traffic Safety Administration—
- 77210 12-31-79 / Federal motor vehicle safety standards; improvement of seat belt assemblies; comments by 4-1-80
- 13785 3-3-80 / Federal motor vehicle safety standards; new pneumatic tires—passenger cars; loading schedules for certain tire sizes; increase of; comments by 4-2-80
- 77199 12-31-79 / Light truck average fuel economy standards for model years 1983-85; comments by 3-31-80
Research and Special Programs Administration—
- 8323 2-7-80 / Transportation of liquids by pipeline; addition of water to pipelines transporting anhydrous ammonia; comments by 4-1-80
- 72201 12-13-79 / Transportation of natural and other gas by pipeline; leakage surveys; comments by 3-31-80
TREASURY DEPARTMENT
Internal Revenue Service—
- 6800 1-30-80 / Income tax; election in certain liquidations for involuntary conversion; comments by 3-31-80
- 6800 1-30-80 / Option to capitalize or deduct intangible drilling and development costs in the case of wells drilled for any geothermal deposit; comments by 3-31-80
VETERANS ADMINISTRATION
- 14071 3-4-80 / Medical benefits; nursing home care in foreign countries; comments by 4-3-80

Deadlines for Comments On Proposed Rules for the Week of April 6 through April 12, 1980

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service—

- 8630 2-8-80 / Sugarcane diseases; comments by 4-8-80
- 8654 2-8-80 / West Indian Sugarcane Root Borer; comments by 4-8-80
- Food and Nutrition Service—
- 8876 2-8-80 / Special Supplemental Food Program for Women, Infants and Children; eligibility; comments by 4-8-80

CHRYSLER CORPORATION LOAN GUARANTEE BOARD

- 8942 2-11-80 / Rules of Procedures; access to records; imposition of fees; comments by 4-11-80

COMMERCE DEPARTMENT

International Trade Administration—

- 8293 2-7-80 / Establishment of validated licensing requirement for export of marketable phosphate rock, phosphoric acid of all concentrations and phosphatic fertilizers of all concentrations to the U.S.S.R.; comments by 4-7-80

- 16202 3-13-80 / Titanium (DPS Order 3); possible amendment to schedule II of DPS Reg. 1; comments by 4-11-80

COMMODITY FUTURES TRADING COMMISSION

- 8312 2-7-80 / Arbitration of other dispute settlement procedures; amendment to allow appeals to an entity within a contract market in member-to-member arbitration; comments by 4-7-80

ENERGY DEPARTMENT

Conservation and Solar Energy Office—

- 8462 2-7-80 / Standby Federal emergency energy conservation plan; comments by 4-7-80

ENVIRONMENTAL PROTECTION AGENCY

- 15591 3-11-80 / Air quality State implementation plans; revision to the Virgin Islands plan; comments by 4-10-80
- 8670 2-8-80 / Arizona plan revision; air quality control, region redesignation; comments by 4-8-80
- 14899 3-7-80 / Controls applicable to gasoline refiners; lead phase-down regulations; comments by 4-7-80
- 14606 3-6-80 / Delaware; schedules to correct deficiencies in nonattainment area plan revision; comments by 4-7-80
- 14886 3-7-80 / Discussion of proposed revisions to Massachusetts State Implementation Plan; comments by 4-7-80
- 14885 3-7-80 / Extension of revision to Massachusetts State Implementation Plan; comments by 4-7-80
- 14607 3-6-80 / Leather tanning and finishing point source category effluent limitations guidelines, pretreatment standards, and new source performance standards; comments by 4-10-80
[See also 44 FR 38746, 7-2-79]
- 15192 3-10-80 / Ohio Implementation Plan; comments by 4-9-80

FEDERAL COMMUNICATIONS COMMISSION

- 62216 10-24-79 / American Telephone & Telegraph Co. private line rate structure and volume discount practices; reply comments and counter proposals by 4-7-80
[See also 45 FR 13139, 2-28-80 and 45 FR 16214, 3-13-80]
- 2067 1-10-80 / Facilitating authorization of wide-area mobile radio communications systems on frequencies allocated for trunked systems; comments by 4-7-80
- 2069 1-10-80 / Facilitating operation of low power, limited coverage systems in the 22,000-23,600 MHz bands; reply comments by 4-7-80
- 12456 2-26-80 / FM table of assignments; Ackerman, Miss.; comments by 4-7-80
- 12448 2-26-80 / FM table of assignments; Bethel, Alaska; comments by 4-7-80
- 12457 2-26-80 / FM table of assignments; Bridgeport, Nebr.; comments by 4-7-80
- 12454 2-26-80 / FM table of assignments; Chatham, Mass.; comments by 4-7-80
- 12451 2-26-80 / FM table of assignments; Coeur D'Alene, Idaho; comments by 4-7-80
- 12459 2-26-80 / FM table of assignments; Westover and Grafton, W.Va.; comments by 4-7-80
- 3349 1-17-80 / Implementing a system of temporary licensing for multiple licensed mobile relay systems operating in the business radio service; comments by 4-7-80
- 3086 1-16-80 / Mobile station, control point, and control station authorization procedures for 800 MHz common user systems; reply comments by 4-7-80

- 3335 1-17-80 / Reimbursement of expenses for participation in commission proceedings; comments by 4-7-80
- 6124 1-25-80 / Television broadcast stations in Butte, Bozeman, and Anaconda, Mont.; reassignment of channel; reply comments by 4-7-80
- 12453 2-26-80 / Television table of assignments; Lexington, Ky.; comments by 4-7-80
- 12450 2-26-80 / Television table of assignments; Sebring, Fla.; comments by 4-7-80
- FEDERAL MARITIME COMMISSION**
- 15229 3-10-80 / Shippers' requests and complaints; reporting requirements; comments by 4-9-80
- GENERAL SERVICES ADMINISTRATION**
- Public Buildings Service—
- 8028 2-6-80 / Accommodations for the physically handicapped; change in Federal standards; comments by 4-7-80
- HEALTH, EDUCATION, AND WELFARE DEPARTMENT**
- Child Support Enforcement Office—
- 8316 2-7-80 / Aid to families with dependent children Child Support Enforcement Program; supplemental payment computation; comments by 4-7-80
- Education Office—
- 8314 2-7-80 / Safe school program; identifying local educational agencies eligible to apply for assistance and criteria for selecting agencies for funding; comments by 4-7-80
- Food and Drug Administration—
- 8870 2-8-80 / Devices used as a radiation source (in combination with a psoralen drug) in the photochemotherapy for psoriasis; comments by 4-8-80
- Social Security Administration—
- 8316 2-7-80 / Aid to families with dependent children, Child Support Enforcement Program; supplemental payment computation; comments by 4-7-80
- INTERIOR DEPARTMENT**
- Fish and Wildlife Service—
- 2616 1-11-80 / Alaska National Wildlife Monuments; minerals management; comments by 4-10-80
- 15241 3-10-80 / Desert Tortoise; critical habitat for Beaver Dam Slope population; comments by 4-9-80
- Land Management Bureau—
- 8672 2-8-80 / Off-road vehicles; conditions of use; comments by 4-8-80
- National Park Service—
- 14601 3-6-80 / Glacier Bay National Monument; protection of humpback whales; comments by 4-7-80
- Surface Mining Reclamation and Enforcement Office—
- 14881 3-7-80 / Announcement of receipt of permanent program submission from State of North Dakota; comments by 4-10-80
- 15189 3-10-80 / Maryland; permanent program submission; comments by 4-11-80
- 15575 3-11-80 / Receipt of Permanent Program submission from the Commonwealth of Pa.; comments by 4-11-80
- 15576 3-11-80 / Receipt of Permanent Program submission from Commonwealth of Va.; comments by 4-11-80
- 15583 3-11-80 / Receipt of Permanent Program submission from State of Illinois, Springfield, Ill. (open), 4-10-80
- 15190 3-10-80 / West Virginia; permanent program submission; comments by 4-11-80
- INTERSTATE COMMERCE COMMISSION**
- 15236 3-10-80 / Revision of National Environmental Policy Act guidelines; comments by 4-9-80
- 9027 2-11-80 / Routing of traffic; individual rerouting without prior Commission approval; advance notice; comments by 4-11-80

LABOR DEPARTMENT

Employment and Training Administration—

- 15914 3-11-80 / Establishment of a new methodology for computing the agricultural adverse effect wage rate; comments by 4-10-80
- Pension and Welfare Benefits Programs Office—
- 8761 2-8-80 / Proposed Class Exemption for certain interest free loans to employee benefit plans; comments by 4-9-80

PERSONNEL MANAGEMENT OFFICE

- 7818 2-5-80 / Reduction in force; comments by 4-7-80
- 8630 2-8-80 / Reduction in force; retention preference; comments by 4-8-80

POSTAL SERVICE

- 6801 1-30-80 / Private express statutes; enforcement and suspension; comments period extended from 2-8-80 to 4-8-80

[Originally published at 45 FR 1427, Jan. 7, 1980]

SECURITIES AND EXCHANGE COMMISSION

- 7578 2-4-80 / "Money Market" funds; inclusion of standardized yield computation in prospectuses; comments by 4-7-80

TRANSPORTATION DEPARTMENT

Coast Guard—

- 15192 3-10-80 / Drawbridge operations; Atlantic Intracoastal Waterway, Palm Beach County, Fla.; comments by 4-11-80
- 11790 2-21-80 / Electronic relative motion analyzer; comments by 4-7-80
- 13138 2-28-80 / Unslaked lime shipping requirements; comments by 4-11-80

TREASURY DEPARTMENT

Comptroller of the Currency—

- 8025 2-6-80 / Indemnification of officers, directors and employees by national banks; comments by 4-7-80
- Internal Revenue Service—
- 8668 2-8-80 / Changes in the deposit requirements for Social Security and withheld income taxes; comments by 4-8-80
- 8669 2-8-80 / Gas guzzler tax; manufacturers and retailers excise taxes; comments by 4-8-80
- 8589 2-8-80 / Gas guzzler tax; temporary excise tax regulations; comments by 4-8-80

Next Week's Meetings**ADMINISTRATIVE CONFERENCE OF UNITED STATES**

- 15971 3-12-80 / Ratemaking and Economic Regulation Committee, Washington, D.C. (open), 3-31-80
- 18041 3-20-80 / Rulemaking and Public Information Committee, Washington, D.C. (open), 4-4-80

ARTS AND HUMANITIES NATIONAL FOUNDATION

- 11965 2-22-80 / Humanities Panel, Washington, D.C. (closed), 4-4-80
- 16362 3-13-80 / Theatre Panel, Washington, D.C. (partially open), 4-2 through 4-5-80

CIVIL RIGHTS COMMISSION

- 13789 3-3-80 / Delaware Advisory Committee, Dover, Delaware, (open), 3-26-80
- 17056 3-17-80 / Michigan Advisory Committee, Detroit, Mich. (open), 4-3-80
- 15972 3-12-80 / New Jersey Advisory Committee, New Brunswick, N.J. (open), 4-3-80

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

- 16521 3-14-80 / Mid-Atlantic Fishery Management Council's Scientific and Statistical Committee, Philadelphia, Pa. (open), 4-3-80

DEFENSE DEPARTMENT

Office of the Secretary—

14619 3-6-80 / Defense Intelligence Agency Advisory Committee, Fort George Meade, Md. (closed), 4-1-80

11874 2-22-80 / DOD Wage Committee, Washington, D.C. (closed), 4-1-80

6640 1-29-80 / Organization of the Joint Chiefs of Staff, Joint Strategic Target Planning Staff Scientific Advisory Group, Offut Air Force Base, Nebr. (closed), 4-1 through 4-3-80

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

15944 3-12-80 / Supply of natural gas and fuel oil displacement opportunities, Washington, D.C. 4-2-80

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Alcohol, Drug Abuse, and Mental Health Administration—

15671 3-11-80 / Community Alcoholism Services Review Committee, Rockville, Md. (open), 3-30 and 3-31-80

Center for Disease Control—

8725 2-8-80 / International Symposium on Pelvic Inflammatory Disease, Atlanta, Ga. (open), 4-1 thru 4-3-80

Education Office—

10458 2-15-80 / Black Higher Education and Black Colleges and Universities National Advisory Committee, Washington, D.C. (open), 3-31 and 4-1-80

Food and Drug Administration—

15671 3-11-80 / Board of Tea Experts, Brooklyn, N.Y. (open), 3-31 thru 4-1-80

16562 3-14-80 / Circulatory System Devices Panel, Washington, D.C. (partially open), 3-31-80

National Institutes of Health—

15678 3-11-80 / Biometry and Epidemiology Contract Review Committee, Bethesda, Md. (partially open), 4-8-80

15678 3-11-80 / Cause and Prevention Scientific Review Committee, Bethesda, Md. (partially open), 4-3-80

16566 3-14-80 / Mental Retardation Research Committee of the National Institute of Child Health and Human Development, Bethesda, Md. (open), 4-7 and 4-8-80

15678 3-11-80 / Research Manpower Review Committee, Chevy Chase, Md. (open), 3-30, 3-31 and 4-1-80

Office of the Assistant Secretary for Health—

17073 3-17-80 / National Committee on Vital and Health Statistics, Washington, D.C. (open), 4-2 and 4-3-80

Office of the Secretary—

16567 3-14-80 / National Advisory Committee on the White House Conference on Families, special subcommittee on the appointment of at-large delegates, Washington, D.C. (partially open), 4-1-80

INTERIOR DEPARTMENT

Land Management Bureau—

8363 2-7-80 / Colorado; Craig District Advisory Board, Craig, Colo. (open) 4-3-80

15679 3-11-80 / Outer Continental Shelf Advisory Board North Atlantic Technical Working Group Committee, New York, N.Y. (open), 4-1 and 4-2-80

11916 2-22-80 / Intergovernmental Planning Program's Gulf of Mexico Regional Technical Working Group, New Orleans, La. (open), 4-1 and 4-2-80

14151 3-4-80 / Southern Appalachian Regional Coal Team, Alabama Subregion, Montgomery, Ala., 4-3-80

JUSTICE DEPARTMENT

Prisons Bureau—

14154 3-4-80 / National Institute of Corrections Advisory Board, Alexandria, Va., 3-30-80

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

16659 3-14-80 / Ad Hoc Informal Advisory Subcommittee on Geodynamics and Geology of the NAC-STAAC, Washington, D.C. (open), 4-1 and 4-2-80

16659 3-14-80 / Ad Hoc Informal Advisory Subcommittee on Satellite Communications Applications of the NAC-STAAC, Washington, D.C. (open), 4-3 and 4-4-80

15346 3-10-80 / NASA Advisory Council, Aeronautics Advisory Committee, Moffett Field, Calif. (open), 4-2 through 4-4-80

NATIONAL SCIENCE FOUNDATION

16659 3-14-80 / Advisory Committee for Astronomy, Washington, D.C. (partially open), 4-2 and 4-3-80

NUCLEAR REGULATORY COMMISSION

17097 3-17-80 / Advisory Committee on Reactor Safeguards, Ad Hoc Subcommittee on Three Mile Island, Unit 2 Accident Action Plan, Washington, D.C. (closed), 4-1 and 4-2-80

SMALL BUSINESS ADMINISTRATION

16662 3-14-80 / Region I Advisory Council, Providence, R.I. (open), 4-2-80

STATE DEPARTMENT

15742 3-11-80 / Study Group CMIT of the U.S. Organization for the International Radio Consultative Committee (CCIR), Washington, D.C. (open), 4-8-80

TRANSPORTATION DEPARTMENT

Coast Guard—

10172 2-14-80 / Deepwater port provisions; comments by 3-31-80

Research and Special Programs Administration—

13153 2-28-80 / Transportation of wet electric storage batteries on passenger-carrying aircraft, Washington, D.C. (open), 4-3-80

VETERANS ADMINISTRATION

18549 3-21-80 / Medical Research Service Merit Review Boards, Washington, D.C. (open), 4-8 through 4-10-80

17714 3-19-80 / Wage Committee, Washington, D.C. (closed), 4-3-80

Next Week's Public Hearings**ENERGY DEPARTMENT**

Federal Energy Regulatory Commission—

15556 3-11-80 / Exemption for small industrial boiler fuel facilities from incremental pricing provisions of the Natural Gas Policy Act of 1978, Los Angeles, Calif. 4-1-80
[See also 44 FR 57783, 10-5-79]

15559 3-11-80 / Permanent rule defining small existing industrial boiler fuel users exempt from incremental pricing under the Natural Gas Policy Act of 1978, Los Angeles, Calif. 4-1-80

15555 3-11-80 / Procedures to be used for the first ten months of the incremental pricing program by industrial users in calculating the volumes of natural gas subject to incremental pricing surcharges, 4-4-80, Los Angeles, Calif.
[See also 45 FR 21, 1-2-80]

TENNESSEE VALLEY AUTHORITY

6225 1-25-80 / Consideration of ratemaking standards, Chattanooga, Tenn., 4-1-80
[See also 44 FR 76611, 12-27-79]

TRANSPORTATION DEPARTMENT

Research and Special Programs Administration—

14609 3-6-80 / Highway routing of radioactive materials, Chicago, Ill., 4-3-80

List of Public Laws**Last Listing March 21, 1980**

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the *Federal Register* but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

S. 2225 / Pub. L. 96-214 To provide that receipts from certain sales of items by the Sergeant at Arms of the Senate to Senators and committees and offices of the Senate shall be credited to the appropriation from which such items were purchased. (March 24, 1980; 94 Stat. 122) Price \$1.00.

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the *Federal Register* during the previous week.

APPLICATIONS DEADLINES

- 18123** 3-20-80 / HEW/HDSO—Child Welfare Research and Demonstration Grants Program; availability of funds; apply by 5-19-80
- 17073** 3-17-80 / HEW/NIE—Program of research grants on knowledge use and school improvement; applications by 5-13-80
- 18207** 3-20-80 / Justice/NIJ—Law Enforcement Equipment Standards Program; competitive research cooperative agreement program to conduct assessment; preliminary proposals postmarked by 5-15-80
- 17702** 3-19-80 / Justice/NIJ—Solicitation regarding competitive research grant/cooperative agreement to support two phase study of impact of community environments on supervised offenders; apply by 4-24-80

MEETINGS

- 18487** 3-21-80 / HEW/OE—Application preparation workshops for the National Demonstrations for the New Concept Special Services and the Special Emphasis Upward Bound project applicants, Washington, D.C., 4-14 and 4-18-80
- 18207** 3-20-80 / NFAH—Humanities Panel, Washington, D.C. (closed), rescheduled from 3-27 and 3-28-80 to 3-29-80 [See also 45 FR 11965, 2-22-80]
- 18207** 3-20-80 / NFAH—Humanities Panel, Washington, D.C. (closed), 4-2, 4-3, 4-9, 4-10, 4-28 and 4-29-80
- 18208** 3-20-80 / NFAH—Media Arts Panel (Challenge), Washington, D.C. (closed), 4-7-80
- 18208** 3-20-80 / NFAH—Visual Arts Panel (Building Arts), Washington, D.C. (closed), 4-9 and 4-10-80
- 18207** 3-20-80 / NFAH—Humanities Panel, Washington, D.C. (closed), 4-11-80
- 18208** 3-20-80 / NFAH—Humanities Panel, Washington, D.C. (closed), 4-15 and 4-16-80
- 18208** 3-20-80 / NFAH—Humanities Panel, Washington, D.C. (closed), 4-25-80

OTHER ITEMS OF INTEREST

- 18046** 3-20-80 / CSA—Small Town Emphasis Program; waiver of non-Federal share requirement
- 18483** 3-21-80 / HEW/Assistant Secretary for Planning and Evaluation—Revised notice of intent to initiate National Long-Term Care Channeling Demonstration Program and to solicit grant applications
- 18330** 3-20-80 / HEW/HDSO—Cooperative research and demonstration grant priorities; fiscal year(s) 1980 and/or 1981; comments by 3-20-80 (NO applications at this time)
- 18353** 3-20-80 / HEW/HDSO—Request for persons to serve on National Institute of Handicapped Research's scientific peer review committees to review grant applications, fiscal year 1980
- 17636** 3-19-80 / HEW/OE—Elementary and Secondary Education grants; notice of intent to compromise a Title I, ESEA audit claim against New Jersey Department of Education; comments by 5-5-80